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Deposited in DRO:

13 October 2016

Version of attached file:

Published Version

Peer-review status of attached file:

Unknown

Citation for published item:

Labbé, Marie-Hélène (2016) 'Iraq's dark shadow : Tony Blair's moment of truth?', Working Paper. Centre for Humanities Engaging Science and Society (CHESS), Durham.

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Iraq's Dark Shadow: Tony Blair's moment of truth?

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CHESS Working Paper No. 2016-03
Durham University
April 2016



CENTRE FOR HUMANITIES
CHESS
ENGAGING SCIENCE AND SOCIETY

Iraq's Dark Shadow: Tony Blair's moment of truth?

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Also available in French: *Le traumatisme irakien. Tony Blair à l'heure de vérité ?*

French publisher information:
Presses de l'université Paris-Sorbonne (PUPS)
Maison de la Recherche
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ACKNOWLEDGEMENTS

This book was inspired by a seminar given at the Institute for Political Studies of Paris. The subject was “The existence of WMD: a reason or a pretext for the 2003 invasion of Iraq”. Professor Nancy Cartwright, a philosopher and director of the Centre for Humanities Engaging Science and Society at Durham University, found the analysis of George W. Bush’s and Tony Blair’s lies interesting, and asked me to develop it further.

Professor Olivier Forcade opened the prestigious doors of Presses de l’Université Paris-Sorbonne to me and Sébastien Porte edited the French version. The British edition was made possible by Professor Nancy Cartwright who prodded the idea. Dr. Cheryl Lancaster edited it with meticulous care. My warmest thanks to them all.

This book would never have been written without the energy, methodical nature and fondness for lively debate of Pierre-Édouard Labbé, whose assistance and support have been invaluable.

INTRODUCTION

Britain's intervention in Iraq in 2003 alongside the United States has hit the headlines for more than fourteen years. It shook up British domestic politics again in August 2015, when Labour Party leadership candidate – now Leader – Jeremy Corbyn expressed a wish that the Labour leaders who had made the decision for and led the way to war make a public apology to the families of the victims, going as far as to say that they should be prosecuted for war crimes.

Military interventions have multiplied in the last five years: in Libya in 2011, in Mali in 2013, and in the Central African Republic in 2014, without any reference whatsoever to the British-American intervention in Iraq. With regard to Syria, however, the opposite held true, with endless references to Iraq forcing the Prime Minister to abandon plans for intervention.

On 21 August 2013, Bashar al-Assad used chemical weapons against his own people: 1429 died, of whom 426 were children. The use of these prohibited weapons was observed by humanitarian organisations and journalists on the ground. As French political scientist Pierre Hassner rightfully wrote, “there was bloodshed and intervention by foreign powers”¹. In the West, the public responded with an outpouring of emotion - and yet that emotion seemed muted, flat. The crimes were there, impossible to deny or justify, and yet Barack Obama remained on holiday. Western leaders expressed their support for intervention in Syria, yet hastened to add that they wanted to seek the approval of their respective Parliaments, even where such approval was not required under fundamental legislation. Among them was British Prime Minister David Cameron, who did not want to bear responsibility for military intervention in Syria and who could not overlook the fact that the British public was averse to the idea of any new foreign intervention. That position was not shared by the French, who wanted to go in.

Events played out just as they did in 2003, but in reverse. This time around, it was the leaders who were hesitant, and the British public refused to be drawn into something that they did not fully understand: not because they were blind to the images or insensitive to the suffering of its victims, but simply because they did not want to be manipulated, demanding “proof” that had not been tampered with: the first and lasting legacy of the 2003 Iraq intervention. Even the unprecedented online publication of evidence by the British, US and French intelligence services made no difference! The Syrian Minister for Foreign Affairs jeered at the West's weak evidence, saying that “what the US Administration deems to be irrefutable evidence [...] is nothing more than old stories disseminated by terrorists for over a week, with all the lies, fabrications and made-up tales that they contain”; for Damascus, this was “a superpower [...] naively misleading its people on the basis of non-existent evidence”².

The Syria issue was not just a question of insufficient or dubious evidence; above all, it was a political issue: the second legacy of the 2003 intervention. Neither the general public – then suffering from intervention fatigue – nor Parliaments or leaders wanted to back a venture that could prove dangerous, and for which no set end point was in sight. The Russian mediation solution – placing Syria's chemical weapons stocks under international controls and destroying them³ – with all its hallmarks of honourable surrender, was met with relief from all sides, raising the inevitable question of whether this was a new Munich, and the end of humanitarian intervention on the ground.

In Britain, the shadow of Iraq hung heavy so over the House of Commons debate on 29 August 2013, that David Cameron noted that Jack Straw, Blair's Foreign Affairs minister, commented that “the fact was that there was an egregious intelligence failure, and it has had

¹ Hassner, 2013, p. 467.

² “Pour Damas, les «preuves» sont des mesonges”, 2013.

³ Heisbourg, 2015, p. 177-178.

profound consequences, not only across the Middle East but in British politics, through the fraying of those bonds of trust between the electors and the elected that are so essential to a healthy democracy”⁴.

Doubtless secretly relieved by the Commons’ opposition, Cameron then refused to intervene in Syria under such circumstances, despite the crossing by Bashar al-Assad of what Barack Obama had laid down as a ‘red line’, at a press conference in August 2012: the confirmed use of chemical weapons (the very opposite of Blair’s decision in 2003). The hangover of British-American intervention in 2003 triumphed over the realities of Syrian abuses, both in the United Kingdom and in the United States.

It is on this basis that I intend to explore the notion of the dark shadow left by Iraq, as the intervention in Iraq seems to mark a turning point in Western foreign policy; from that point on, such interventions would be rarer, more limited in their scope, and would avoid boots on the ground.

The major powers may well now lie beyond the West, with the possible exception of the United States. Humanitarian interventionism and the right to intervene may perhaps be a thing of the past, and all this can be traced back to the British-US Iraq intervention of 2003. The migrant crisis, which has highlighted the failure to act of the European institutions and the United Nations, is perhaps an early illustration of this shift.

Why might this be described as a “shadow”? For three distinct reasons: the first, and perhaps the least palatable, is that the operation was a political and military failure. Had it been a success, realism may have rendered the question of means secondary. Yet the means used were questionable, constituting the second reason to describe Iraq’s legacy as a shadow. The decision to go to war, not being self-evident, had to be justified by legal contortions and the manipulation of evidence. The lies, which may well even be state-sanctioned lies that implicated governments and intelligence agencies, emerged alongside the Inquiries’ conclusions, thereby forming the third reason. This explains the scandal of the delayed publication of the Chilcot report. The Chilcot Inquiry was tasked in 2009 by Prime Minister Gordon Brown with identifying the political failings in the UK that had led up to the decision to intervene in Iraq. What is shocking today is that the Chilcot report has still not been published, six years after the final hearings: a scandal that could shake British democracy to its very foundations.

⁴ HC Deb, 29 August 2013, c1450.

Chapter 1

A PERSONAL DECISION FOR BLAIR

BLAIR'S INDIVIDUAL COMMITMENT

Blair's humanitarian commitment, as declared in Chicago in 1999

The speech given by Blair to the Economic Club of Chicago in April 1999 provided an introduction to “liberal interventionism”: “just war, based not on any territorial ambitions but on values”⁵. He proposed that the principle of non-intervention be modified in cases of genocides and where high numbers of refugees might unsettle neighbouring countries⁶, and drew a comparison between Slobodan Milosevic and Saddam Hussein, “two dangerous and ruthless men, [both of whom] have been prepared to wage vicious campaigns against sections of their own community. As a result of these destructive policies, both have brought calamity on their own peoples”⁷.

He presented Saddam Hussein as a tyrant, which is difficult to dispute, emphasising his use of chemical weapons against Iran (during the 1980-88 Iran-Iraq war) and against his own Kurdish community in Halabja (1988), and placing particular emphasis on the fact that these weapons had been effective, having made it possible to crush the Kurdish rebellion. If he had done it in the past, he might do it again, and it was on this basis that Saddam posed a threat to the region and its peoples.

As Blair later wrote in *A Journey*, his memoirs, “the use of chemical weapons had been vital in repelling the Iranian soldiers who, filled with religious zeal, had thrown themselves in waves against Iraqi forces in the Iran-Iraq war. Only their use had, he thought, compensated for the superior number of Iran's forces. The gassing of the Kurds had delivered not just a military but a psychological blow to their hopes of challenging Saddam, so these weapons had played a pivotal role in suppressing internal dissent [...] Saddam kept together the scientists and technicians necessary to reconstitute such a programme; he imported dual-use goods [...] and maintained laboratories undisclosed to the UN that could quickly be reactivated for WMD purposes”⁸.

Even without subscribing to the political path down which he led his country, one cannot fail to recognise that Blair did not hesitate to place his government – and by extension, his political survival – in jeopardy in order to act on his convictions. Whether through courage or recklessness, Blair took risks in promoting the war against Saddam's Iraq. This was reflected in the polls, which saw his popularity ratings fall to their lowest level in two and a half years in the month prior to intervention, when it emerged that there would be no explicit UN support in the absence of a second resolution.

Blair's desire to enhance the “special relationship” with the United States

Following the end of the Gulf War (1991), the UK, alongside the US, observed the no-fly zone over Iraq. On 16-19 December 1998, it took part in Operation Desert Fox: four days of aerial bombing on Iraqi targets following failed negotiations between UN inspectors and Saddam Hussein

⁵ “The Blair Doctrine”, 1999.

⁶ Keohane, 2005, p. 61.

⁷ “The Blair Doctrine”, 1999.

⁸ Blair, 2010, p. 376.

regarding a “presidential site”. The 11 September attacks of 2001 convinced Blair that his country should, now more than ever, stand alongside the US against the new challenges that had arisen, the first and foremost of which was the “war on terror”. As he wrote in his memoirs, “When they had need of us, were we really going to refuse?”⁹. Symbolically, he was in Washington when Bush delivered his key post-9/11 speech to Congress on 20 September 2001, during which the American president vowed that “justice will be done”¹⁰. Moreover, the meeting of the two leaders at George W. Bush’s ranch in Crawford, Texas, on 5-7 April 2002, was essentially a *tête-à-tête*, during which Blair may have promised Bush that the UK would support a US military operation that aimed to bring about regime change, if certain conditions were met. The content of the personal exchanges remains unknown, despite the repeated requests of the chairman of the Chilcot Inquiry and the leak, in October 2015, of the Powell memorandum from March 2002 on British support for the US approach.

Blair’s insistence on the role of the United Nations

Even the most virulent critics of the way in which Blair led the UK into war were obliged to acknowledge that he repeatedly – and on occasion successfully – sought to make the Iraq issue a UN concern. It was thanks to Blair – relayed by US Secretary of State Colin Powell – that Bush spoke on Iraq before the United Nations General Assembly on 12 September 2002. Blair repeatedly sought to secure a second resolution from the Security Council that would confer unquestionable legitimacy on a decision to go to war, to the point of exasperating his American allies, who saw little point in it.

And yet, paradoxically to say the least, Blair did not want to see anything at any stage in the UN inspections – which began again following Resolution 1441 – that might constitute a stumbling block on the path towards invasion. As Robin Cook wryly observed in his resignation speech to the Commons from his position as Leader of the House under Blair’s government on 17 March 2003, “evidence that inspections may be showing progress is greeted in Washington not with satisfaction but with consternation”¹¹.

BLAIR’S STYLE OF GOVERNANCE

A look at the way in which the British Cabinet usually operates may allow for a clearer understanding of the dysfunctions of Blair’s government. The Cabinet is not the government; rather, it is composed of members of government who are also Cabinet ministers, and who number between twenty-one and twenty-three. The Attorney-General for England and Wales and the leader of the ruling party are also members of Cabinet. Junior ministers may be invited to join the Cabinet, either on an *ad hoc* basis where their area of competence is concerned, or on a regular basis. The Cabinet operates through a number of *ad hoc* committees and sub-committees, and a full Cabinet meeting is held just once each week.

Under traditional institutional procedure, it is the Cabinet – and not the government – that serves as the uppermost body for executive decision-making. As a rule, the government develops policy within the Cabinet, and takes collective responsibility for that policy in Parliament. This means that Cabinet decisions are collective, and that Cabinet members are collectively responsible

⁹ Blair, 2010, p. 401.

¹⁰ “State of the Union address: Text of George Bush’s speech”, 2001.

¹¹ HC Deb, 17 March 2003, c726.

for the consequences of their decisions. In concrete terms, this means that no minister may criticise a government decision and remain a part of that government, and that should a motion of no-confidence be brought before Parliament, the entire government must resign.

Selecting the 'sofa government'

After eighteen years of Labour opposition, Tony Blair came to power in May 1997 with a declared ambition to break away from his Labour predecessors; the clear symbol of this shift being, of course, the qualifying "New" Labour. The expression had first been used as the slogan for a Labour Party conference in 1994, before appearing in a manifesto drafted in 1996, entitled "New Labour, New Life for Britain". But Blair was struggling with a very real handicap: he was unfamiliar with how the administration operated, mistrusted it, and was doubtless somewhat afraid of it¹². As a consequence, he would tend to bypass and sideline it. Behind his studiously casual, 'Call me Tony' approach, Blair also had an authoritarian style that was applied from the outset.

Blair then wanted to govern with his loyal ministers, personal advisers and a few senior civil servants in whom he had absolute faith; with a view to ensuring the greatest possible efficiency, but also because he appeared to have an aversion to collective decision-making.

Once in Number 10, Blair adopted the same organisational approach that he had taken as Leader of the Opposition. Lord Butler, who was his Cabinet Secretary during his first year in power (1997-1998), lamented this informal set-up: decisions made over a cup of tea on Blair's sofa, from which the term 'sofa government' stems. For Blair, this formula offered the advantage of allowing serious issues to be discussed in select groups, thereby limiting the risk of leaks and bypassing his opponents within the cabinet, the first of whom was Gordon Brown, Chancellor of the Exchequer, with whom he had a highly volatile relationship. Nevertheless, Blair's use of this approach illustrated its shortcomings.

The first is that it broke with the collegiality that allows a government to feel a sense of joint responsibility for Cabinet decisions; something that was all the more regrettable where it concerned the fundamental issue of leading a country into war. The second weakness of this approach is that informal conversations of this kind did not lend themselves to being recorded in any way; as a consequence, the only traces of these conversations are the written memoirs of the various protagonists. Lastly, the third, and most serious, shortcoming is that this method of governance limited the scope of people able to offer an opinion to those within the inner circle - all of whom were on the same wavelength - thereby excluding a number of ministers and shaking up the decision-making process to such an extent that it was not ministers, but political advisers - mainly Jonathan Powell, Chief of Staff, and Alastair Campbell, Director of Communications - who gave orders to civil servants. Both men, moreover, were Cabinet members, which, given their roles, was exceptional. British historian Peter Hennessy, referring to a Hutton Inquiry hearing, gave a comic yet troubling description of a restricted meeting held on 18 August 2003. Jonathan Powell, when questioned by the Hutton Committee, said, "Yes, we had a meeting that the Prime Minister had called at the last minute. At 9a.m, he asked to see David Omand [Security and Intelligence Co-ordinator for the Cabinet Office] and John Scarlett [Head of the Joint Intelligence Committee¹³] and Kevin Tebbit [Permanent Secretary at the Ministry of Defence]. They were not immediately available, and a separate meeting was going on in Alastair Campbell's office, to discuss the Government's response to the FAC [Foreign Affairs Committee] report, including the Foreign

¹² Hennessy, 2005, p. 7.

¹³ The Joint Intelligence Committee (JIC) co-ordinates the various British intelligence agencies: Secret Intelligence Service (MI6), Security Service (MI5), Defence Intelligence Service, National Criminal Intelligence Service, Government Communications Headquarters (GCHQ).

Secretary and a number of officials. John Scarlett came from that meeting [to the other], then went back; David Omand then arrived, then Kevin Tebbit arrived... It is a sort of running meeting with people coming". To the sardonic "So the meeting gets bigger as time goes on?", Powell responded, "Yes". Hennessy is critical of this form of governance, in that it does not lead to the choices that are in the best interests of the country¹⁴.

The sofa government and the decision to intervene in Iraq (2002-2003)

Who were the members of the inner circle in which the government's major decisions are made?

The list of attendees at the secret meeting of 23 July 2002 provides a reasonably accurate idea of who the members of this inner circle were: Prime Minister Tony Blair; his foreign policy adviser, Sir David Manning; his Private Secretary, Matthew Rycroft; his Chief of Staff, Jonathan Powell; his director of political and government relations, Sally Morgan; and his Director of Communications and Strategy, Alastair Campbell. They were joined by Cabinet Secretary Sir Richard Wilson, Defence Secretary Geoff Hoon, Foreign Secretary Jack Straw, Attorney-General Lord Goldsmith, and Chief of Defence Staff Admiral Sir Michael Boyce. The intelligence agencies were represented by the Chairman of the Joint Intelligence Committee John Scarlett, the Director of GCHQ (signals intelligence) Francis Richards, and the Director of MI 6 (foreign intelligence service) Richard Dearlove. The 'inner circle', then, was a combination of ministers – of whom there were few – senior civil servants in sensitive posts (Chief of Defence Staff, the intelligence agencies) and political advisers.

Among the Blairite ministers, the most faithful was indisputably Jack Straw, the Foreign Secretary. There is little doubt that he alone among the Cabinet members was aware of Blair's intentions, and of the matters discussed by Blair and Bush at Crawford in April 2002. We should keep in mind that Blair had appointed him to the position in June 2001, replacing Robin Cook, whose independent-mindedness was a source of concern to him. Straw was a loyal right-hand man, steady and consistent. Nevertheless, despite - or maybe because of - his closeness to the Prime Minister, he cautioned him on several occasions against violations of legality. In a memo dated 25 March 2002, published on the Chilcot Inquiry website, he warned Blair that "legally there are two potential elephant traps: [firstly] regime change *per se* is no justification for military action; [secondly] on whether any military action would require a fresh UNSC mandate"¹⁵. Furthermore, he was unconvinced by the idea of making weapons of mass destruction (WMD) the reason for military intervention in Iraq, on the basis of a JIC review of the status of the Iraqi WMD programme¹⁶, sent on 15 March 2002, which indicated that intelligence was piecemeal and the threat no more acute than previously. In addition, when his political director, Peter Ricketts, shared with him his misgivings¹⁷ as to the suitability of using weapons of mass destruction to justify an invasion of Iraq, Straw echoed those words to Blair in his 25 March 2002 memo¹⁸. Straw was also a skilled maneuverer, or an errant liar, as on 11 February, a few days prior to the largest anti-war protest in British history – one million demonstrators took to the streets of London on 15 February – he said, "We have to strain every sinew [...] to avoid war"¹⁹.

¹⁴ Hennessy, 2005, p. 11.

¹⁵ Straw, 2002.

¹⁶ *ibid.*

¹⁷ Ricketts, 2002.

¹⁸ Straw, 2002.

¹⁹ "Full text: Jack Straw's Speech: The foreign secretary's address to the International Institute for Strategic Studies", 2003.

The other Blairite minister was Geoff Hoon, Defence Secretary; however, his competence was debateable, and his loyalties limited. Hoon would take an interest in the problems relating to military equipment only when the decision to go to war had been taken, but not before, clashing head-on with Gordon Brown on the issue, as the testimony of the military leaders questioned by the Chilcot Inquiry illustrates. Hoon was considered invisible by high-ranking military officials²⁰.

The senior civil servants within the decision-making circle were, as one might expect, the heads of the intelligence agencies and the Chief of Defence Staff. The first was John Scarlett, who was entirely devoted to Blair and who played a key role in the events that led to war. Bower comments that Scarlett's rigid interpretation of the JIC formal task to "assess" the intelligence supplied by MI6 and the other agencies "excluded natural skepticism"²¹. Alongside him was Sir Richard Dearlove, the head of MI6, who worked closely with his US counterpart. According to then-Cabinet Secretary Lord Wilson (1998-2000), "Dearlove swam into Blair's life", Bower reports, adding that, not surprisingly, the spymaster was puffed up by his unprecedented access and sought to satisfy his master's requirements²². Last was Admiral Sir Michael Boyce, Chief of Defence Staff, who, when the prospect of action took more concrete form, would ceaselessly seek Blair's assurances that the war would be legal, and to whom Blair is alleged to have responded, emphatically, that the objective would never be regime change. It should be kept in mind that, for the military, the stakes were even higher in the event of an illegal intervention, as the soldiers involved could be prosecuted for war crimes on an individual basis.

Lastly, political advisers played a pivotal role in the sofa government. At the centre of the inner circle was David Manning, whom Blair appointed as his foreign policy adviser in 2001. The essential role played by Manning on the road to war has been attested to by a number of sides. Following George W. Bush's State of the Union address on 29 January 2002, which caused a frenzy at Whitehall, he drafted a note to Blair on 8 March – the Iraq Options paper – which drew several conclusions from the American presidential address: the Bush Administration no longer trusted containment, and some wanted to see Saddam Hussein overthrown. They felt that it would be good to "[increase] the pressure on Saddam through tougher containment"²³. That first note would herald Manning's taking control of the Iraq dossier at Number 10. It was for this reason that the note describing meetings between Manning and Condoleezza Rice, the US national security adviser, was addressed to the Prime Minister alone, with Chief of Staff Jonathan Powell in copy²⁴. Similarly, Sir Christopher Meyer, the British ambassador to Washington, was only informed of a decisive meeting between Manning and Paul Wolfowitz, the US Deputy Secretary of Defence, after the fact. The substance of the meeting in question was that, the only option being regime change in Iraq, "it would be necessary to wrong-foot Saddam on the inspectors"²⁵. Lastly, Manning took the lead by suggesting as early as September 2002 – six months before the intervention began – that Downing Street should be organised along the lines of the model that had been decided upon for the Afghanistan operations of the previous year: one group responsible for monitoring intelligence production, and a larger group that would draw on the competencies of other administrations. This was rejected by Blair.

To David Manning we can add Blair's political advisers: Alastair Campbell, a former political writer in Robert Maxwell's *Daily Mirror* and director of communications at Number 10; his Chief of Staff Jonathan Powell, a career diplomat; and Sally Morgan, a political adviser and the

²⁰ Bower, 2016, p. 247.

²¹ *ibid*, p. 231.

²² *ibid*, p. 230.

²³ Overseas and Defence Secretariat Cabinet Office, 2002.

²⁴ Manning, 2002.

²⁵ Meyer, 2002.

interface between Parliament and government, who appears to have struggled to carve out a space for herself alongside such strong characters.

The dysfunctions of Blair's government are evident

Contrary to what Tony Blair stated in his testimony before the Chilcot Inquiry on 21 January 2011, the main decisions on military intervention in Iraq had been taken before Cabinet meetings, and without Cabinet members being informed of the details. It was on this point, which calls the collective responsibility of government into question, that those civil servants and ministers who were excluded from the decision-making process criticised Blair when giving their own testimony before the Chilcot Inquiry. Among them were two former civil service heads, Lord Turnbull and Lord Wilson of Dinton, who categorically rejected any suggestion that Cabinet members had been kept informed: they claimed that their approval had only been sought on the day prior to the invasion. Lord Butler had previously written in 2004 in the above-mentioned report that excellent official documents had been prepared, but that these had not been circulated within Cabinet, just as the opinion of the Attorney-General had not been shared. Blair had given briefings – often using PowerPoint – that could in no way replace full and unrestricted access to the source documents.

Testifying before the Chilcot Inquiry on 2 February 2010, Clare Short, Blair's Secretary of State for International Development, stated that it was not in Cabinet that the decisions had been made²⁶. She regretted that the issue of the war's legality had not been addressed in Cabinet, and that the Attorney-General's U-turn had not been discussed²⁷. She also stated that, despite repeated requests, the Cabinet had not been made aware of the intelligence agencies' reports on Iraq. One might wonder why, in such circumstances, she did not resign before the war began. Her response is not entirely convincing. In the resignation letter sent by Short to Blair on 12 May 2003, she accused him of failing to honour the commitments that he had made to her on the role of the United Nations in a post-Saddam Iraq. She also accused Straw and Blair of secretly negotiating a Security Council resolution that went against the assurances that she had given MPs on the "legal authority of the occupying powers"²⁸.

More sensational, and more embarrassing for Blair, was Robin Cook's resignation from his position as Leader of the House. Cook had become Foreign Secretary in 1997, in Blair's first government. On taking up the position, he announced his intention to bring an "ethical dimension" to British diplomacy²⁹. His time as head of the Foreign Office was marked by interventions in Kosovo and in Sierra Leone. Appointed Leader of the House of Commons under Blair's second government in 2001, Cook resigned on 17 March 2003 in protest against the Iraq war. As he said to the House of Commons on that day, "Why is it now so urgent that we should take military action to disarm a military capacity that has been there for twenty years, and which we helped to create?", winning a standing ovation from the Members of the House³⁰.

There are three occasions that shine a light on the failings of the sofa government.

The first is the secret meeting held at Downing Street on 23 July 2002, chaired by Tony Blair. The agenda for the meeting was a note entitled "Iraq: Conditions for Military Action", most likely prepared by David Manning's team. This rather formal document asked those present at the meeting to give their views on certain statements, or to approve certain options. The content of the

²⁶ Short, 2010; see also Short, 2004, p. 151.

²⁷ Short, 2004, p. 151.

²⁸ "Clare Short's resignation letter", 2003

²⁹ "Robin Cook's speech on the government's ethical foreign policy", 1997.

³⁰ HC Deb, 17 March 2003, c726.

meeting is public knowledge thanks to the 'Downing Street memo' – signed by Private Secretary Matthew Rycroft – which was leaked to the press³¹. It appears somewhat disjointed. John Scarlett provided intelligence on the oppressive nature of the Iraqi regime, followed by a report by Sir Richard Dearlove on his meeting with his US counterpart, CIA Director George Tenet. He explained that President Bush had decided to attack Iraq, and that the war was to be justified by a combination of terrorism and WMD. Admiral Sir Michael Boyce outlined existing war plans; Defence Secretary Geoff Hoon was worried by the issue of military equipment should the decision to go to war be announced at the last minute, which was Blair's preference in order to avoid showing his hand too early and to ensure that the credibility of the UN option then being pursued was not threatened.

Hoon was followed by Straw, who was unable to see how military intervention could be justified, given that Saddam Hussein was not threatening his neighbours and that his WMD capability was less significant than that of many other countries in the region; hence the idea to work up a plan for an ultimatum to Saddam to allow back in the UN weapons inspectors. This would also help with the legal justification for the use of force. As the Attorney-General, Lord Goldsmith, observed, "the desire for regime change is not a legal base for military action"³². The Prime Minister seized on the idea of bringing back the inspectors, but not with a view to avoiding war; rather, as a way in which to create the *casus belli* that was at that time conspicuous by its absence. The conclusion of this secret meeting was that the UK would certainly play a part in military action, but that no formal decision had been taken in that respect.

The second illustration of this highly streamlined decision-making is, of course, the preparation of the government dossier, with a foreword by the Prime Minister, published on 24 September 2002 and presented to Parliament that same day.

The publication of a document of this kind was by no means a foregone conclusion. Intelligence agency notes are not intended for publication; they are meant to assist policymakers in making decisions by providing them with as much information as possible, cross-checked to ensure the highest possible degree of reliability. The decision to publish intelligence on Iraq and to officially attribute that intelligence to the JIC reflected a desire to give the public serious information on the intelligence agency notes and studies that had convinced the government of the need to act against Iraq. This was a highly unusual step, to say the least, exemplifying a communications operation conducted by the JIC and driven by Number 10. Why was the publication of this dossier deemed necessary? Because military intervention against Iraq, alongside George W. Bush, had little chance of meeting with the approval of the British public. As James Humphreys put it, we might say that this was "a complex case and a dubious ally"³³. The reasons were multifaceted: bringing an end to the 1991 conflict, seizing Iraqi oil reserves, supporting Israel, sanctioning human rights violations, etc. Yet the most difficult element was the alliance with George W. Bush, viewed as unsophisticated and idiotic by the British public. The real challenge, then, was communications. The approach adopted by the Downing Street communications team was to focus on just one reason to act: Saddam's ongoing WMD programme.

The basis of the dossier was an assessment of the Iraqi threat, conducted by the intelligence agencies in the wake of 11 September 2001. This was supplemented by a second assessment, this one centred on the threat posed by Iraq, Libya and Iran, and a third study that focused solely on Iraq.

Paradoxically, Alastair Campbell did everything in his power to give credence to the notion that the dossier had been prepared by the JIC, although there would have been nothing shocking in the idea that a document prefaced by the Prime Minister, presented to Parliament in his name and for which the Prime Minister would take responsibility for the content and the consequences of

³¹ Rycroft, 2002.

³² *ibid.*

³³ Humphreys, 2005, p. 159.

publication, had been prepared by the heads of communications at Downing Street. Reading the dossier, it is clear that it was not produced by the intelligence agencies alone: the text would have been different had it been for agency use, in that many of the numerous clarifications or reiterations would not have been necessary. The text shuttled back and forth between the JIC and Downing Street several times, but the remarks and comments of the agencies were for the most part ignored. Officially, however, the dossier's author – or, more accurately, editor – was John Scarlett.

Finally, the caricature of the sofa government's shortcomings was the hasty and careless publication of the dossier in February 2003³⁴. Produced by the Coalition Information Centre in the Foreign and Commonwealth Office – and not by the JIC, or the Cabinet Office, or Downing Street – the dossier was intended to convince the media of Saddam's policy of concealment, deception and intimidation. But, prepared under Alastair Campbell's authority, the dossier was a collage of paragraphs taken from student theses, without even correcting typographical errors or referencing their authors. The content had not been approved by the JIC or the Foreign Secretary before being presented to the press, who promptly dubbed it the "dodgy dossier"³⁵. The government apologised, and acknowledged that the "dodgy dossier" should never have been published. Yet this *faux pas* cast a shadow over the September dossier, raising the critical question of its sources.

A blind eye to opposing views

As to opposing views, little attention was paid to the military; still less to an increasingly reluctant British public, and none at all to a follow-my-leader Parliament.

The military presented a particular problem: did they want war at any price, because it was their profession and because they preferred war to peacekeeping? Did they want to fight it out and finish the job started in 1991? This emerged from the hearing of Admiral Lord Boyce³⁶ in December 2009, but was contradicted by Sir Kevin Tebbit, Permanent Secretary to the Ministry of Defence, who claimed that the armed forces had never attempted to push the case for intervention against Saddam. It should be noted that the French military were not to be left behind and were keen to play a part in planning alongside the Americans, as Bruno Le Maire observed³⁷.

Were they involved in the decision, or were they left out in the cold, not permitted to have their say on the conduct of military operations? The scale of the involvement of Britain's armed forces was uncertain: would this be the strategic engagement of a large number of troops alongside the US, or a lower-key presence for political and diplomatic purposes? This was only made clear at the very last moment, under the official pretext of allowing every opportunity for peace.

During the Chilcot Inquiry hearings, Lord Boyce emphatically voiced his regret that he had been unable – for political reasons – to discuss the details of military operations upstream with his US counterparts, being limited to general planning. He also deplored the fact that he had been unable to meet with logistics officers, due to the ban imposed by Defence Secretary Geoff Hoon in order to keep the military option under wraps.

When it emerged that Britain's involvement in Iraq would be significant, the situation did not improve. Military figures stressed that London had no war cabinet.

Lord Boyce stated before the Chilcot Inquiry that he had had little sense that he was serving a government that was cohesive or at war: "there was no feeling that we had a War Cabinet [...].

³⁴ Foreign and Commonwealth Office, 2003.

³⁵ For example, White and Whitaker, 2003.

³⁶ Sir Michael Boyce was granted a peerage in 2003.

³⁷ Le Maire, 2004, p. 27-28.

There was no committee which was chaired by a very senior person, if not the Prime Minister himself³⁸. He deeply regretted not to have been taken seriously when he said that the British army was not prepared to wage a war. When giving their evidence, these military figures did not conceal a desire to see the politicians lambasted for their inadequate preparations for war, and for the absence of any follow-up to military operations.

Lastly, those military leaders reproached the Cabinet for the inadequacy of the equipment provided to soldiers as a result of the budgetary restrictions imposed by Gordon Brown. During a hearing on 27 January 2011, Boyce suggested that soldiers had died because the Treasury had not been able to fund the war properly: the new equipment had arrived at the last moment, meaning that soldiers had not had time to learn how to use it. The resentment of the military towards the politicians was particularly deeply felt for the fact that Blair had assured them that the armed forces would have everything they needed. “Don’t worry. You can have whatever money you want. Go and see the Chancellor”. “Then”, said Boyce, “a brick wall there”³⁹.

When the sound of sabre-rattling became audible, Blair had to face a broadly hostile public. In the US, the traumatic impact of the 11 September 2001 attacks, which had struck at the very heart of the country’s economic and military power, had sparked an unwavering patriotism and support for the war on terror. The British response was a feeling of solidarity with their American ally, which resulted Britain’s involvement in the war that would be waged by the US against Al-Qaeda in Afghanistan. That the US-UK partnership immediately re-formed for the war in Iraq doubtless owed less to the *intuitu personae* relationship between Blair and Bush than to the fact that Blair saw in the act of overthrowing Saddam the application of his “humanitarian interventionism”, and that Bush needed an ally - any ally - to avoid unilateral American military action.

In reality, the British public were not in principle opposed to intervention in Iraq: more than three quarters of Britons stated that they would support a UN-backed war if explicitly authorised by a resolution.

Yet according to YouGov surveys⁴⁰, a majority of 56-58%, between September 2002 and March 2003, felt that Saddam was sufficiently dangerous to justify UN military action. Support for British involvement in the war, without a UN mandate, increased dramatically between February and April 2003, rising from 28% (7-10 February) to 55% on 20-23 March, and reaching 63% on 10-13 April. This swing was due primarily to a U-turn by Labour voters, with support among this group rising from 23% to 59% – a swing of 36 points, while Conservative voters registered a shift of 16 points and the Liberal Democrats 26 points⁴¹.

It is interesting to note that Blair’s moral probity was never in doubt: in response to the question, “Which of the following two statements do you agree with most: ‘Tony Blair’s policy on Iraq is motivated by political self-interest’ or ‘Tony Blair’s policy on Iraq is based on his sense of morality and justice’?”, 41% of those surveyed on 7-10 February selected ‘self-interest’, with this figure falling to 25% on 23-26 March. Logically, the percentage of those opting for ‘sense of morality and justice’ increased, in the same period, from 36% (7-10 February) to 55% (23-26 March)⁴².

On how the crisis was managed, in response to the question, “Do you think that Mr. Blair was motivated by his conviction that Saddam was dangerous and should be disarmed?”, 51% of

³⁸ Boyce, 2011.

³⁹ *ibid.*

⁴⁰ Kellner, 2003, p. 6-7.

⁴¹ *ibid.*, p. 12-13.

⁴² *ibid.*, p. 9.

Britons responded positively, with 44% saying that he had been motivated by his desire to keep in with the US⁴³.

The press, as one might expect, reflected the opinions of their readers. *The Sun* took the most pro-war stance; at the other end of the spectrum, *The Guardian* and *The Independent* were most strongly opposed. Thus, although 56% of the general public supported going to war, just 26% of Guardian readers shared this view⁴⁴.

During the war itself, the British public had greater faith in military than political sources, and greater trust in the British than in the Americans.

At no time was there ever an anti-war majority in Britain. There were anti-war demonstrations, but these are not the same thing.

Many well-known figures failed to see the need for or the legality of military intervention alongside the Americans. These included Kenneth Clarke, former Chancellor of the Exchequer, Sir Malcom Rifkind, ex-Foreign Secretary, Lord Hurd, also a former Foreign Secretary, and Baroness Williams, who left Labour and founded the Social Democrats in 1981. Sir Michael Quinlan, former Permanent Under-Secretary of State for Defence and renowned strategist, was deeply opposed to British intervention.

In the space of one weekend - 15-16 February 2003 - the debate on the war swung from legality to legitimacy, pitting the views of the Piccadilly Circus protestors against the vision outlined by Blair in Glasgow.

The demonstration that took place on 15 February 2003 in protest against military intervention brought together around ten million people across sixty countries, including one million demonstrators in London, transcending social class, religion and socio-economic background.

The sheer size of the demonstration compelled Blair to change tack. His new approach was to talk of a "moral case": "The moral case against war has a moral answer: it is the moral case for removing Saddam"⁴⁵. In Glasgow, that same 15 February, he styled himself as the champion and defender of the Iraqi citizens oppressed by Saddam. The logic was simple, bordering on simplistic: to criticise the war was to allow the oppression of the country's people to continue; to support it was to help bring about regime change, and play a part in the liberation of the Iraqi people. In short, Blair painted himself as the leader of a humanitarian operation, forgetting in the process that he had spent the previous year talking of nothing but WMD, and with little reference to regime change. Later on, he spoke of overthrowing Saddam, something that was not authorised under any UN resolution. It was from this moment that the question of legality became a secondary concern, and that the legitimacy of military action was relentlessly advocated.

This moral line was also taken up by Foreign Secretary Jack Straw, who observed in his speech on 21 February 2003 to Chatham House that "this is a key part of the moral case – preventing Iraq launching more wars of aggression, and dealing definitively with a tyrant who flouts international non-proliferation norms"⁴⁶.

Yet the shifting of the debate onto moral ground was not without its opponents among the religious authorities: Blair faced opposition from religious leaders, who were hostile to the idea of using morality as an ideological vehicle to garner support for the war. On 21 February 2003, during a press conference at Lambeth Palace, the Archbishop of Canterbury Rowan Williams asked that

⁴³ *ibid*, p.10.

⁴⁴ *ibid*, p.14.

⁴⁵ Blair, 2003.

⁴⁶ "Full text: Jack Straw's Speech: The foreign secretary's speech to Chatham House, February 21 2003", 2003.

the moral rhetoric be toned down, saying “there is no war that is holy and good in itself and to bring the heavy artillery of a religious kind, to say that this is the only way of resisting evil, is something that has to be watched out for”⁴⁷. In the same vein, Blair was granted a cool reception by Pope John Paul II during his visit to the Vatican on 22 February.

Opponents of Blair’s policy – led by Jeremy Corbyn within his own party and the Liberal Democrats among the ranks of the opposition – had found his arguments in favour of military intervention in Iraq to be unconvincing. On 18 March 2003, the day on which the war was debated in the House of Commons, a rebel amendment stating that the case for war had not yet been established was rejected; 139 Labour backbenchers supported that amendment, in what was seen as a snub to the government. Ultimately, the government motion supporting a declaration of war was adopted with 412 votes in favour and 149 votes against. It is worth noting that the Labour rebellion was limited to just 85 votes against; the question which remains unanswered is whether this was party solidarity or a fear of Blair’s threat of resignation⁴⁸?

Some Parliamentary members went above and beyond what was expected of them. Among them was Baroness Liz Symons, to whom Blair had given a peerage, who, on the day on which the September dossier was published, spoke before the House of Lords, saying: “As the statement made my Right Honourable friend the Prime Minister makes clear, our briefing paper cites example after example of Iraqi efforts to develop their WMDs. To an unprecedented extent, the paper draws on intelligence material, and leaves no doubt that Iraq’s growing arsenal of such weapons can no longer be tolerated”⁴⁹.

A FAILURE TO CONSIDER THE AFTERMATH

The politicians in Washington had given little thought to the aftermath of an easily envisaged military victory. From January 2003, the Pentagon imposed its will and decided that it would not make post-war preparations. To borrow the words of Defence Secretary Donald Rumsfeld, this was a ‘known unknown’⁵⁰. The (policy) hawks saw toppling Saddam as the first step towards the new and democratic Middle East for which they were calling. They wanted to overthrow Saddam, replace him with Ahmed Chalabi – a politician who had left Iraq with his parents as a child in 1956 – and withdraw ‘gracefully’. For them, the reconstruction of Iraq did not present a problem, as they believed that American soldiers would be welcomed as liberators. Rumsfeld, speaking to the BBC and on Voice of America on 13 September 2002, suggested that the Iraqis would start “singing and flying kites”⁵¹ when Saddam Hussein was overthrown. This could by no means constitute a policy for reconstruction of a country crushed by decades of terror and devastated by twenty-five years of war and international sanctions.

The Americans had made little effort to understand the country that they were about to invade. Iraqi exiles – starting with Ahmed Chalabi – had lost all contact with their homeland and could offer little assistance. The priority for the Iraqi people was to see their day-to-day lives improve. Patrick Cockburn, a British journalist who covered the military operations in Iraq for *The*

⁴⁷ Bates, 2003.

⁴⁸ “Iraq – Declaration of War – 18 Mar 2003 at 22:00”, 2013.

⁴⁹ Quoted in Beckett, Hencke, and Kochan, 2015, p. 141.

⁵⁰ The plan was to overthrow Saddam and his cronies within the Baath party, in addition to certain – notably military – institutions, and to replace them with new leaders. The plan was elegant in its simplicity, but irretrievably harmful in its basic principles, as a purge of the country’s army and administration would deprive the new Iraq of its best and brightest, and quite literally put them out on the street.

⁵¹ Iraq Watch, 2003.

Independent, observed that six days before the fall of Berlin in 1945, the Soviet army had appointed a Soviet general to every essential service – water, electricity, transport, gas, etc. – making that general responsible for ensuring the renewed operability of his service. This was not the approach adopted by the Americans⁵². In response to the concerns voiced by high-ranking military officials as to the challenges of Iraq’s reconstruction, the US conservatives replied, through Richard Perle, chairman of the Defence Policy Board, that this was “a political judgement that these guys [weren’t] competent to make”⁵³. A briefing paper on the conditions for military action, prepared by the Cabinet Office (21 July 2002) noted that “little thought has been given [by the US government] to the aftermath ... US military plans are virtually silent on this point”⁵⁴. This worried the British side, who did not want Washington to ask them to bear a disproportionate share of the military burden.

Jacques Chirac, then the French President, spoke with Bush on 21 November, on the fringes of a NATO summit in Prague. He stressed the US’ inexperience in the region, saying “Once you are down there, you will have to stay for years, and you take the risk of creating armies of little Bin Ladens”; Bush thanked him for his candidness, but did not welcome the lesson in geopolitics⁵⁵.

It is uncertain that London did any more to plan for a post-Saddam Iraq. Some Middle East experts were invited to express themselves: Peter Ricketts, the director of the Middle East Department, predicted Saddam’s overthrow would lead to turmoil, and Toby Dodge reported in November that “he just met Tarq Azai – the Iraqi Foreign minister” and he warned that there would be a civil war if Saddam is deposed. Blair replied “I’m committed to that” before adding “but isn’t Saddam uniquely evil?”, raising silence among his visitors⁵⁶. The Foreign Office department responsible for planning for a post-war Iraq – the Iraq Planning Unit, headed up Dominick Chilcott, a civil servant – was only set up in February 2003. There was no clear idea as to what the objectives were, nor any money to achieve them⁵⁷. A note by the Planning Unit, dated 5 March 2003 and entitled ‘Planning for the UK’s role in Iraq after Saddam’⁵⁸, noted that British military forces would be incorporated into the coalition’s chain of command, and would likely be based in Basra, in the south of the country. In it, ministers were asked whether they agreed that the UK should fall in with American plans for Iraq’s administration. The response – if there was one – remains unknown.

The reconstruction of Iraq was neither foreseen nor planned for by the political leaders who had pushed for Saddam to be based in Basra, in the south of the country, the military, for whom such a task was not their job, and who would complain bitterly of this lack of foresight during the Chilcot Inquiry hearings.

⁵² Cockburn, 2006.

⁵³ Ricks, 2002, p. 1a.

⁵⁴ Pincus, 2005.

⁵⁵ Bozo, 2013, p. 185.

⁵⁶ Bower, 2016, p. 315.

⁵⁷ Dodge, 2003.

⁵⁸ Iraq Planning Unit, 2003.

Chapter 2

A DECISION SHROUDED IN DECEIT

Those at the very highest levels of government covered up, dissimulated, distorted the truth and resorted on occasion to casuistry to allow Tony Blair to give free reign to his hubris and overthrow Saddam Hussein. Blair's problem was that a desire to bring an end to Saddam's abuses, while entirely respectable for a defender of humanitarian interventionism, could not serve as a legal justification.

Hence the need, for the American hawks who wanted immediate intervention in Iraq to topple Saddam Hussein, to find other grounds to intervene. This role was filled by weapons of mass destruction – “the one issue that everyone could agree on”⁵⁹, as US Deputy Defence Secretary Paul Wolfowitz cynically commented – sufficiently technical so as to require expert intervention, both military and within the intelligence agencies, and not on the public stage, thereby allowing heads of state and government greater leeway. The attacks of 11 September 2001 clearly served as a (fortuitous) trigger.

BLAIR'S LIES ON WEAPONS OF MASS DESTRUCTION

Aligning with the American position

The 11 September 2001 attacks allowed America's hawks to forge a link between the Middle East, a state suspected of acquiring WMD, and terrorism. What would have happened had the terrorists had weapons of mass destruction? The American rationale was this: following 11 September, all of the Middle Eastern states attempting to acquire WMD became potential threats. As the most advanced of these proved to be Iraq, the country's efforts to acquire WMD constituted a threat to Western security. When questioned by the President, CIA Director George Tenet responded that there was no proven link whatsoever between Saddam Hussein and Al-Qaeda, and that Iraq's WMD potential did not constitute an imminent threat ... but that it could pose a *potential* threat, both because Saddam might wish to use them, and because they might be acquired from Iraq by terrorists. The American argument was taken up verbatim by Blair, who adopted it as his own.

The choice of Iraq can be understood in looking to past events. The UN inspections launched following the Iraqi defeat in 1991 pursuant to Resolution 687⁶⁰ had revealed that, despite the destruction of Osirak by Israeli air strikes in 1981⁶¹, Iraq was much closer to being able to

⁵⁹ Full sentence: “The truth is that for reasons that have a lot to do with the U.S. government bureaucracy we settled on the one issue that everyone could agree on which was weapons of mass destruction as the core reason”. Tannenhaus, 2003.

⁶⁰ Resolution 687 was intended to ensure the definitive elimination of weapons of mass destruction and related programmes and to make it impossible for Iraq to recover or resume them, all verifiably and under international monitoring. To this end, the United Nations Special Commission for chemical and biological weapons and ballistic missiles was set up, led by Rolf Ekeus until 1997 and by Richard Butler from 1997 to 1999. The International Atomic Energy Agency, led by Hans Blix until 1997 and subsequently by Mohammed El Baradei, was responsible for nuclear programmes. These commissions were required to verify Iraq's declarations on its weapons and WMD programmes, conduct inspections at declared sites, remove or destroy any such weapons, and neutralise any such programmes.

⁶¹ Osirak was a civil nuclear reactor sold by the French in 1975 – under the name Tammouz – that the Israelis thought might be diverted for military purposes. It was bombed and destroyed by Israeli aircraft (8 F-16 and 6 F-15) on 7 June 1981.

manufacture a nuclear weapon than had previously been imagined – hence the emergence and persistence of a seed of suspicion, on which an accusation could be founded⁶². The same categorical assertions could be found on both sides of the Atlantic: claims made by Dick Cheney, Donald Rumsfeld and George W. Bush echoed in Tony Blair's convictions.

Speaking before the Veterans of Foreign Wars Convention on 26 August 2002, Vice-President Cheney took no prisoners, insisting on the existence of weapons of mass destruction and presenting George W. Bush with a *fait accompli*. He claimed that “the Iraqi regime has in fact been very busy enhancing its capabilities in the field of chemical and biological agents”, and that “[the Iraqis] continue to pursue the nuclear programme they began so many years ago”⁶³. Further on in his speech, Cheney asserted that “there is no doubt that Saddam Hussein now has weapons of mass destruction”⁶⁴. Cheney returned to the fray on 8 September on the programme *Meet the Press*, stating that “those who doubted his assertions about the threat presented by Iraq haven't seen all the intelligence that we have seen”⁶⁵. Cheney was joined by Rumsfeld who, in response to the claim by Iraqi officials that they did not have weapons of mass destruction, replied on 3 December that “the United States know that Iraq has weapons of mass destruction. The United Kingdom knows they have weapons of mass destruction. Any country on the face of the earth with an active intelligence programme knows that Iraq has weapons of mass destruction”⁶⁶.

Yet the most memorable of these public lies was one delivered by Colin Powell. Speaking at the UN Security Council on 5 February 2003, Powell declared to the world that “there can be no doubt that Saddam Hussein has biological weapons and the capability to rapidly produce more”⁶⁷. How? Through the use of secret mobile laboratories. He added – and here slipped the lie: “We have firsthand descriptions of biological weapons factories on wheels and on rails”⁶⁸. The CIA director, seated next to him, was astounded by these statements, which had been presented by his agency as mere hypothesis and which were based on nothing more than the testimony of one defector, nicknamed Curveball, who had consistently refused to be questioned by American agents.

The same absence of doubt was reflected in comments made by Blair during an *NBC* interview on 3 April 2002 at Bush's Crawford ranch in Texas, when he declared, “We know that he [Saddam Hussein] has stockpiles of major amounts of chemical and biological weapons”⁶⁹ – an assertion that went beyond the JIC assessment, ‘The status of Iraqi WMD Programme’, published on 15 March. The assessment observed that the intelligence on this point was “sporadic and patchy”⁷⁰, and that the threat was no more significant than it had previously been.

The second argument to support these falsehoods is that both American and British leaders wanted to sell, to their citizens and to the international community, the idea that Iraq posed an imminent threat that would justify a pre-emptive war. They made full use of every communication outlet in relation to Iraq's weapons of mass destruction, drawing hypothetical links between the regime in Baghdad and Al-Qaeda's terrorists in defiance of the United Nations Special Commission (UNSCOM) and International Atomic Energy Agency (IAEA) reports.

⁶² For further details see Labbé, 2015b.

⁶³ “Full text of Dick Cheney's speech: The US vice president, Dick Cheney, delivered this speech to the Veterans of Foreign Wars (VFW) national convention in Nashville, Tennessee”, 2002.

⁶⁴ *ibid.*

⁶⁵ NBC News' *Meet the Press*, 2009.

⁶⁶ “U.S. to Weigh Iraqi Weapons Lists With Own Intelligence”, 2002.

⁶⁷ “Full text of Colin Powell's speech – part 2”, 2003.

⁶⁸ “Full text of Colin Powell's speech: US secretary of state's address to the United Nations security council”, 2003.

⁶⁹ Hasan, 2010.

⁷⁰ Joint Intelligence Committee, 2002, p. 2.

The government dossier, published on 24 September 2002, was 55 pages long and included a foreword signed by the Prime Minister⁷¹. According to this dossier, Iraq was continuing to develop chemical and biological weapons, was on the way to acquiring nuclear weapons, and had extended the range of its ballistic missiles. The dossier drew broadly on a report by the London-based International Institute for Strategic Studies (IISS) – a British think tank of recognised standing – but embellished it. That the IISS issued a strategic report on Iraq - ‘Iraq’s weapons of mass destruction: A net assessment’ - on 9 September was both within its remit and demonstrated an excellent sense of timing: requests for further details on Iraq had been growing in number for several months, and such an assessment would serve to inform both public debate and public opinion, as one might expect of a think tank.

The IISS report (80 pages, plus annexes)⁷² was presented as a response to the question being asked by the international community on just how dangerous Saddam Hussein was and, more specifically, on the reality of the WMD threat. The aim, as set out in the introduction, was to assess, as precisely and objectively as possible, Iraq’s current nuclear, biological, chemical and ballistic capabilities. The main problem encountered by the intelligence agencies is very clear: the absence of evidence on the ground after 1998. To remedy this, the IISS called on IAEA and UNSCOM experts, and every chapter was subject to peer review by the other experts. For IISS director John Chipman, the dossier “[did] not attempt to make a case, either way, as to whether Saddam Hussein’s WMD arsenal is a *casus belli per se*”⁷³. Yet while the report was well-crafted from an academic perspective and sought to address the charges laid against Saddam Hussein, it did not offer any decisive argument to support urgent Western intervention in Iraq. Paradoxically though, it served as an independent and intellectual endorsement of the British government’s dossier.

The 24 September dossier was a quasi-indictment, setting out a number of convictions based on evidence gathered by the intelligence community, to which explicit reference was made at the very beginning of the foreword: “The document published today is based, in large part, on the work of the Joint Intelligence Committee (JIC)”⁷⁴.

It made reference to the guaranteed independence of the IISS, and featured an alarmist statement on nuclear weapons: “Iraq could assemble nuclear weapons within months of obtaining fissile material from foreign sources”⁷⁵. The report did not shed further light on the reservations and probabilistic hypotheses (production time, the name of the country providing said fissile materials) set out by the IISS analysts: it was enough that the threat was there, and had not been ruled out by independent experts.

The dossier took a clear side, in that it illustrated the extent to which Iraq’s WMD potential, which had continued to grow, presented a threat. In his foreword, Blair indicated that the intelligence agencies had established that, despite his protestations to the contrary, Saddam had continued in his efforts to develop nuclear weapons, and had succeeded in extending the range of his ballistic missiles. Saddam had continued to manufacture weapons and had military plans for the use of these chemical and biological weapons, including against his own Shiite community. Some

⁷¹ Joint Intelligence Committee, 2002.

⁷² Gros, 2002.

⁷³ Norton-Taylor, 2002.

⁷⁴ British Government, 2002, p. 3.

⁷⁵ *ibid*, p. 5.

of these weapons could be deployed within 45 minutes of an order to use them. This point was crucial to the British government's argument⁷⁶. Lastly, Iraq had mobile laboratories.

The dossier was an excellent compilation of information that was already available. Little of that information was convincing. This may well explain the inclusion of the 45 minute claim, which, to borrow the phrase used by Sir David Omand⁷⁷ when speaking before the Chilcot Inquiry, added "a bit of local colour"⁷⁸ to a dossier suffering from a singular lack of it.

The two points on which Blair would be criticised as regards accuracy were the use of the phrase "beyond doubt"⁷⁹ where no definite evidence was available, and the 45 minute claim.

The Butler Report concluded that it was a serious weakness "that the JIC's warnings on the limitations of the intelligence underlying its judgements were not made sufficiently clear in the dossier". Butler "[believed] that judgements in the dossier went to (although not beyond) the outer limits of the intelligence available. The Prime Minister's description [...] of the picture painted by the intelligence agencies as 'extensive, detailed and and authoritative' may have reinforced this impression"⁸⁰. The reports of the intelligence agencies are, in fact, generally nuanced, and assess the likelihood that the events they anticipate might occur.

The 45 minute claim epitomises the policy of misinformation of Britain's executive body. This specification appeared – four times – in the government dossier, and yet no-one seemed to remember having written it: not Tony Blair, the Prime Minister; not Alistair Campbell, his Director of Communications; and not John Scarlett, head of the JIC. This phrase, however, was crucial in substantiating, in the eyes of the public, the idea of a serious and imminent threat. The press put it on the front pages, including *The Sun* – "Brits 45 mins from doom" and the *Daily Star*, with "45 minutes from a chemical war"⁸¹.

Lord Butler also lamented the inclusion of the 45 minute claim. This point still remains unclear today. The claim, if we are to believe John Scarlett's evidence, was limited to battlefield – i.e. short-range – weapons, but one cannot help but find it strange that from September 2002 to March 2003, the Prime Minister believed that he and John Scarlett were discussing long-range strategic systems while Scarlett was under the impression that they were talking about battlefield weapons! It was, to say the least, a failure of communication⁸². During his first hearing before the Chilcot Inquiry on 29 January 2010, Blair acknowledged that he should have very quickly specified the weapons to which this referred, but maintained that he had had no intention of deceiving the public.

Under British Parliamentary rules, ministers are obliged, where there is a political error or mistake in the management of a dossier under their responsibility, to go before their peers in the House of Commons to offer an explanation. The Commons may request an explanation from ministers in all cases. Robin Cook, then Leader of the House of Commons, felt that the government – or those ministers who were suspicious as to how real a threat Iraq's WMD might pose – should have informed Parliament before asking the Commons to vote on war on a false premise. Tony Blair said before Parliament on 18 March 2003 that he was unaware of the kind of weapons to which the 45 minute claim applied. This is hard to believe.

⁷⁶ It did not feature in the IISS strategic dossier.

⁷⁷ Then Security and Intelligence Co-ordinator in the Cabinet Office.

⁷⁸ Omand, 2010.

⁷⁹ British Government, 2002, p. 3.

⁸⁰ "Review of Intelligence on Weapons of Mass Destruction: Report of a Committee of Privy Councillors" ["The Butler Report"], 2004.

⁸¹ Scott, 2004, p. 291.

⁸² HC Deb, 20 July 2004, c227.

A refusal to heed the UN inspectors' reports

Pursuant to Resolution 1441 of 8 November 2002, the IAEA and UNSCOM were expected to re-start their inspection activities in Iraq. Their reports contained what was the only international evidence, meaning that they were less likely to be affected by political bias than evidence gathered by individual nations. Under the terms of the resolution, Iraq was required to open up its factories, its barracks, and its offices to the UN weapons inspectors, under penalty of “serious consequences”⁸³. Underground areas could also be visited. Resolution 1441 established a fixed three-month schedule, setting the start date for inspections as 23 December⁸⁴.

An initial report was submitted on 27 January 2003 by Hans Blix, at the head of the UN Monitoring, Verification, and Inspection Commission (UNMOVIC), and Mohammed El Baradei as IAEA director. Blix's report was highly critical of Iraq: after 300 inspections of 230 sites, “Iraq appears not to have come to a genuine acceptance – not even today – of the disarmament”⁸⁵. Blix thereby gave credence to the idea that Iraq had maintained stockpiles of UN-prohibited weapons. He condemned Iraq's inadequate cooperation in terms of substance, and not just in terms of form – its aggressive behaviour. Several key questions remained unanswered. With regard to chemicals, had Iraq produced VX⁸⁶ that was purer and in greater quantities than Baghdad had admitted? Had the country militarised it? According to the UNSCOM report, there were “strong indications”⁸⁷ that Iraq may have produced more anthrax than it had admitted. With regard to ballistics, Blix noted some uncertainty as to whether Baghdad could have retained SCUD missiles after the Gulf War. He admitted that, in two months, the inspectors had not found much. His report suggested a deliberate intention to conceal on Saddam's part; it was consistent with what the Bush Administration had hoped for. They would find grounds in the report on which to base its scepticism as to the effectiveness of the inspections.

The report by Mohammed El Baradei, also delivered on 27 January 2003, was much more favourably disposed towards Iraq, since it specified that no suspicious nuclear activity had been detected.

In the following reports delivered by Blix and El Baradei on 7 March 2003, two factors refuted the American theory on Saddam's continued pursuit of his WMD programme: firstly, the procurement of aluminum tubes, which were highly likely to be intended for ballistics rather than for centrifugation of uranium; secondly the allegation of acquisition of uranium from Niger, which was based on information that was later proven to be false. But it was too late to heed this information at this stage, with US troops champing at the bit on Iraq's borders⁸⁸.

⁸³ United Nations Security Council, 2002.

⁸⁴ The key milestones prescribed under Resolution 1441 of 8 November 2002 were: 15 November : Baghdad had 7 days following adoption of the resolution to provide notice of its “intention” to cooperate; 8 December: Iraq had 30 days to submit an “accurate and complete” list of all of its prohibited weapons programmes (chemical, biological and nuclear, in addition to ballistic missiles and drones) and its civil chemical and biological production sites (petrochemicals industry or hospital laboratories); 23 December: UNMOVIC (UN Monitoring, Verification and Inspection Commission) and the IAEA should begin inspections within 45 days; no later than 23 February: 60 days after inspections began, UNMOVIC and IAEA heads should deliver their first report to the Security Council.

⁸⁵ Blix, 2003.

⁸⁶ A nerve agent derived from products used to manufacture insecticides, fertilizers and certain colourants.

⁸⁷ Blix, 2003.

⁸⁸ Bozo, 2013.

THE SHORTCOMINGS OF THE INTELLIGENCE AGENCIES

Intervention in Iraq, then, was officially motivated neither by the nature of the regime nor by its potential links to terrorist organisations, but by the existence of weapons of mass destruction and the threat that these presented. This issue may have been in Wolfowitz's words "the one issue that everyone could agree on"⁸⁹ in the US, but it had the disadvantage of having to be proven true. Yet the paradox faced by Blair's government and by the Bush Administration was that, at the very moment that they most sorely needed it, they had very little information on the subject. Following the inspectors' departure from Iraq in 1998 after Operation Desert Fox, the argument centred on plausible scenarios rather than tangible proof, explaining the over-dependence on reasoning and rationalising, and thus on personal bias, even manipulation.

The stakes were high, both politically and bureaucratically, as the politicians had justified war on the basis of the intelligence agencies' reports. That not a single WMD was found by the Iraq Survey Group⁹⁰ following the overthrow of Saddam Hussein contributed to the laying of blame at the agencies' door, and raises three questions: did the intelligence agencies simply under-perform? Were they manipulated by the political authorities? Did they manipulate the politicians?

Mention is often made here of the US intelligence agencies, as these bodies largely shared their information with their British counterparts. The focus here, however, will be the British investigations into the mistakes made by Britain's intelligence agencies.

Failings in the agencies' intelligence-gathering

Shell-shocked by the end of the Cold War and by the 11 September attacks of 2001 in particular, the intelligence agencies lowered the threshold of proof. Faced with a dearth of recent intelligence, they attached too much significance to defectors.

The first of these was General Hussein Kamel, Saddam's son-in-law, who defected in 1995 and who claimed that biological material had indeed been militarised, contrary to what the Iraqis had maintained. Thousands of litres of anthrax, botulinum toxins and other virus types had been stockpiled and were still being mass-produced. In his view, it was likely that the Iraqi arsenal comprised hundreds of tonnes of chemical agents, believed to be a mixture of mustard gas, sarin and VX. Kamel's comments were not confirmed following the end of the war⁹¹.

Yet the most troubling example of self-deception was Curveball. This was the code name given to an Iraqi citizen, Rafid Ahmed Alwan al-Janabi, who had left Iraq for Germany in 1999 and who claimed to the BND (*Bundesnachrichtendienst*, the German federal intelligence service) that he had worked as a chemical engineer in mobile laboratories, manufacturing biological weapons. For the intelligence agencies, hobbled by a lack of sources in the field, these revelations came at precisely the right time to fill an information vacuum. Moreover, they supported their position. Curveball's account featured in more than one hundred reports and publications: his statements were not cross-checked, and the doubts expressed by German agents to the head of the CIA's European division were not heeded by Washington or London. Tyler Drumheller, the CIA's European division director at the time, maintained that he had advised his superiors, George Tenet and his deputy John McLaughlin, orally, but that these warnings had been ignored.

⁸⁹ Usborne, 2003.

⁹⁰ The Iraq Survey Group was made up of 1400 American, British and Australian experts, first led by David Kay (a former UN chief weapons inspector in Iraq) then, following his resignation in January 2004, by Charles Duelfer, former UNSCOM head; its task was to uncover any WMD arsenal that might exist in Iraq.

⁹¹ Prados, 2004.

It was at the level of their analysis that the US and UK intelligence agencies made their gravest error, bringing with it a certain responsibility that they would be unable to shake off. In short, mere working hypotheses became presumptions. George Tenet would later regret this, saying “We should have said that the intelligence was insufficient to prove, beyond any reasonable doubt, that Saddam possessed WMD”⁹².

The first failing lay in placing too much store in the past. The existence of WMD was a plausible theory in the context of the historical relations between the West and Saddam Hussein, and for several reasons: the nature of Saddam’s regime; the nuclear programme that he had pursued immediately prior to the first Gulf War; inspectors’ findings as regards chemical munitions; the obstacles thrown up to guard against IAEA and UNSCOM inspections between 1991 and 1998, and the systematic lies from the Iraqi side, who would only admit to evidence uncovered by the inspectors themselves.

With recent evidence in short supply, the past offered a benchmark, as referenced in a CIA report to Congress: “we do not have any direct evidence that Iraq has used the period since Desert Fox to reconstitute its WMD programs, although given its past behaviour, this type of activity must be regarded as likely”⁹³.

In the UK, the Butler Report noted that the presupposition that there were weapons had led the Joint Intelligence Committee to fail to use the evidence available to it as its point of departure, and to make assessments based on past events: the previous manufacture and concealment of WMD. Assessments tended to be “coloured by over-reaction to previous errors”⁹⁴.

The second failing was insufficient source triangulation. In the United States, the Robb-Silberman bi-partisan nine-member Commission⁹⁵ revealed that intelligence officers had preferred to tell their superiors what they wanted to hear. It was stated that the intelligence agencies had been punished for missing existing evidence, but not for crying wolf, which led them to exaggerate the data. These peculiarities were also highlighted by the Butler Report, which noted that the British agencies had failed to run potentially necessary quality checks on disclosures from human sources. The sources available to the British side were not as reliable as the Joint Intelligence Committee statement or the government dossier had suggested.

On the issue of mobile laboratories, the JIC reports shifted, in two years, from cautious wording – “Iraq seems to have studied the use of mobile labs”, on 19 April 2000⁹⁶ – to sweeping statements: “Iraq - if this is not already the case - is able to produce large quantities of biological agents within a few days”, on 27 February 2002⁹⁷. This semantic shift revealed a crack in the argument.

⁹² Tenet, 2007, p. 338.

⁹³ Central Intelligence Agency, 2012.

⁹⁴ “Review of Intelligence on Weapons of Mass Destruction: Report of a Committee of Privy Councillors” [“The Butler Report”], 2004, Conclusion 28, p.153.

⁹⁵ “The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. Washington D.C. 20503”, 2005.

⁹⁶ “Review of Intelligence on Weapons of Mass Destruction: Report of a Committee of Privy Councillors” [“The Butler Report”], 2004, point 239.

⁹⁷ *ibid*, point 244.

The third failing concerns the presentation of data: what were no more than probabilities were presented as facts. What should have been put forward as nothing more than suppositions, expressed with a great deal of circumlocution, were set down as evidence.

In the dossier, the British government made excessively assertive claims in light of the intelligence on which they were based. Consequently, sentences that should have read “intelligence indicates” instead read “shows”. These criticisms were taken up by Robin Cook in his memoirs, where he stressed that the conclusions drawn from intelligence agency analysis was usually highly cautious, using the terms ‘show’, ‘suggest’ and ‘indicate’ wisely⁹⁸.

A refusal to heed dissent within the intelligence agencies

During the commission hearings on intelligence and security, which were intended to establish whether the intelligence on Iraqi WMD had been properly assessed and accurately referenced in government publications (2003), the depositions of government officials showed that there had been much debate within the intelligence agencies, but that the majority had been satisfied with the dossier – which was contested by a number of experts, including Brian Jones, the head of the nuclear, biological and chemical section of the Defence Intelligence Staff, who fiercely denied this sanitised account of his department’s operations⁹⁹. Jones referenced this in his memoirs, as well as the issues that troubled his department regarding the absence of any distinction in the dossier between chemical and biological weapons, and its lack of precision in relation to the 45-minute claim. This led him to send, on 20 September, a minute to Tony Cragg, his newly appointed director, in which he stated that he was unable to endorse assessments made on the basis of estimations that he had not seen. Cragg, however, chose to disregard Jones’ remarks, and claimed to have the entire department’s support.

In short, the failings of the intelligence agencies were undeniable. To echo Sir David Omand, who laid the blame before MI6 with admirable concision when speaking before the Chilcot Inquiry on 20 January 2010, “SIS over-promised and underdelivered”¹⁰⁰.

Who manipulated whom?

The conclusion drawn by the 2003-2004 inquiries was that the intelligence agencies had been excessively deferential, but that there had been no falsification on their part.

In the US, the investigative committees found that the intelligence agencies had not manipulated the evidence on weapons. They had believed what they superiors had said with regard to Saddam Hussein’s programmes. “They were simply wrong”¹⁰¹.

One could be less understanding and argue that the intelligence agencies went beyond what they believed the politicians expected from them, demonstrating over-indulgence. There is no question that there was a bias towards producing intelligence that would reinforce policy. In the US, the tone was set and the line drawn following Dick Cheney’s speech to the Veterans conference. From that perspective, it was safer to cover one’s own back and risk alarmist assessments. CIA second-in-command John McLaughlin did so deliberately, believing that

⁹⁸ Cook, 2003, p. 220

⁹⁹ Jones, 2010.

¹⁰⁰ Omand, 2010, p. 63.

¹⁰¹ “The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction. Washington D.C. 20503”, 2005.

“something would turn up in Iraq”¹⁰². Sir Richard Dearlove, the head of MI6, at the meeting held on 23 July 2002 and following his return from Washington, shared his perspective on US policy, saying that “intelligence and facts were being fixed around the policy”¹⁰³. The phrasing, as Bozo notes¹⁰⁴, is ambiguous, indicating either a deliberate manipulation of the intelligence or merely partisan public presentation. Over the course of the Chilcot hearings, Dearlove would reject the first interpretation. One could, perhaps, disagree.

Such a trend could be seen in the UK where, too often, the intelligence agencies set aside cautious judgement in favour of peremptory statements of fact. The Hutton Report also acknowledged that the government’s desire to present a dossier that was as strong as possible against Iraq “may have subconsciously influenced Mr. Scarlett [...] to make the wording of the dossier somewhat stronger than it would have been if it had been contained in a normal JIC assessment”¹⁰⁵. The Hutton Commission, a judicial committee that conducted an inquiry into the suicide of David Kelly, an authority on biological warfare, on 17 July 2003, was considered by the public to be excessively lenient towards the authorities.

After the war, BBC journalist Andrew Gilligan conducted an investigation, in which he suggested, first of all, that the 45 minute claim had been added by Downing Street, against the wishes of the intelligence agencies and, secondly, that the government probably knew the claim to be false. His source was revealed to be David Kelly, whom he pursued relentlessly for further details. The Ministry of Defence expert in biological weaponry had previously been an inspector in Iraq, and of a sufficiently high rank to have attended the hearings of the House of Commons Foreign Affairs Committee in September 2002, accompanying Foreign Secretary Jack Straw and two other senior figures.

Kelly had told Gilligan in confidence that Downing Street had requested, one week prior to the publication of the dossier, that it be “sexed up”¹⁰⁶, which Kelly opposed, maintaining that transforming potential capacity into an immediate threat was going too far. A few days after giving evidence to the House of Commons Foreign Affairs Committee, he took his own life. As his death was suspicious, an inquiry was conducted, led by Lord Hutton, a judge. The Hutton Report concluded that the information on the 45-minute claim had not been added against the wishes of the intelligence agencies; the accusation that Blair and his government might have manipulated intelligence was rejected by the Hutton Report as “unfounded”¹⁰⁷.

But then, did the politicians manipulate the intelligence agencies?

This is the other key question, to which there is no clear-cut answer. The intelligence was used by the politicians to support their own cause, which is quite usual: “Number 10 selected for inclusion only the scraps of intelligence that fitted the government’s case and gave them a harder edge than was justifiable”¹⁰⁸. This theory was also defended by Brian Jones in the provocatively titled ‘Failing intelligence: The true story of how we were fooled into going to war in Iraq’, with the hook sentence: “The policy cart was placed before the intelligence horse”¹⁰⁹.

Yet the parliamentary committees absolved the politicians of any kind of manipulation. The Foreign Affairs Committee report concluded that Alastair Campbell, Blair’s Communications

¹⁰² Quoted in Bozo, 2013, p. 175.

¹⁰³ Rycroft, 2002.

¹⁰⁴ Bozo, 2013, p. 141.

¹⁰⁵ Hutton Commission, 2004, p. 153.

¹⁰⁶ Day, 2003.

¹⁰⁷ BBC News, 2004.

¹⁰⁸ Cook, 2003, p. 221.

¹⁰⁹ Jones, 2010, p. 143.

Director, exerted no “improper” influence¹¹⁰ over the preparation of the September 2002 government dossier. He had not sexed up the dossier to sell it more easily to the public. The government dossier had been based on the information available to the intelligence agencies at the time. As to the “dodgy dossier” of February 2003, the committee concluded that it had been counterproductive, undermining the government’s credibility. But the report added a comment that discredited its conclusion, and which explains why the public felt the committee had been a whitewash: “The furore over the process by which the document was assembled and published diverted attention from its substance. This was deeply unfortunate, because the information it contained was important”¹¹¹.

Speaking before the Chilcot Inquiry on 8 December 2009, John Scarlett maintained that the foreword signed by the Prime Minister was a political statement, separate from the rest of the dossier, and that it was not for him to modify the language used. As regards the 45 minute claim, he acknowledged that it would have been better had it not been possible for this to be understood as pertaining to ballistic missiles: “there was absolutely no conscious intention to manipulate the language or to obfuscate or to create a misunderstanding as to what they might refer to”¹¹². In his view, the intelligence agencies had done their job in submitting a report to the government on 7 March establishing that Iraq did not have missiles that could reach Israel and, on 17 March, a report that found that Saddam Hussein had dismantled his chemical weapons. This intelligence had been discussed by the JIC on 19 March, and developed into a report that was available to ministers. Scarlett claimed that he had been certain that both ministers and the Prime Minister had read this latter report.

Sir Richard Dearlove, the former head of MI6, distanced himself from the Chilcot report from 2013, should it be published and contain highly negative assessments of his agency and himself. His greatest fear was surely that he would be accused of having sexed up the available intelligence, thereby placing the blame on him and allowing Tony Blair to sidestep his responsibilities. Although his memoirs were originally intended for publication only after his death, he indicated in a message to the *Mail on Sunday* that publication could be brought forward, were his reputation to be sullied¹¹³.

DID THE ATTORNEY-GENERAL DECLARE THE WAR LEGAL IN GOOD CONSCIENCE?

In order to intervene, military leaders required the government to provide a legal basis, which gave the Attorney-General a central part to play. A memo, written on 15 August 2002 by the Foreign Office legal adviser¹¹⁴ shows that had the Attorney-General not considered such action to be legal, both civilians and members of the armed forces alike would be exposed to international prosecution. The new influence of the laws of the International Criminal Court – founded under the Rome Statute, entered into force on 1 July 2002, and the competences of which include the crime of aggression¹¹⁵ – is evident here.

¹¹⁰ Straw, 2003c, p. 4.

¹¹¹ Straw, 2003c, p. 8.

¹¹² Scarlett, 2009.

¹¹³ Nicol, 2013.

¹¹⁴ Wood, 2002.

¹¹⁵ International Criminal Court, 2010, Article 8 *bis*: “the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations”, inserted by resolution RC/Res. 6 of 11 June 2010.

Yet it would seem that the Attorney-General, Lord Peter Goldsmith, changed his mind during the weeks leading up to military intervention. The senior official who, during the secret meeting held on 23 July 2002, deemed military intervention not based on a UN resolution to be illegal (leading Tony Blair himself to champion UN involvement to the Americans) ultimately gave the green light just a few days before operations began. Taking this further: he gave two contradictory opinions ten days apart in March 2003, the second authorising a war that was to commence ... forty-eight hours later. How much value should be placed on the Attorney-General's opinion, given his numerous U-turns?

Beyond his change of heart on the substance, his attitude also shifted in terms of form – an illustration, if one were needed, that the Attorney-General is only the government's legal adviser (and not the Secretary of State for Justice).

The testimony of Lord Goldsmith before the Chilcot Inquiry on 27 January 2010 shone a new and particular light on the extremely cloistered way in which the British government operated between July 2002 and March 2003 in its preparation for war.

Lord Goldsmith's conviction: a war devoid of any legal base

A lawyer by training, Lord Goldsmith viewed his role as legal adviser to the government thus: "to tell ministers what they need to hear, not what they would like to hear"¹¹⁶. During the secret meeting of 23 July 2002, when questioned as to the legality of a short-term operation, the Attorney-General responded that he could see no other legal basis than a United Nations Security Council resolution authorising intervention. Lord Goldsmith reminded the meeting that international law provided for three possible bases to justify the use of force: self-defence¹¹⁷, an urgent humanitarian crisis, or a United Nations Security Council resolution¹¹⁸ and stated that a desire for regime change in Iraq was not in itself a legal base for the use of force. In his view, the only way was a confirmed "material breach" by Iraq of a United Nations resolution. There was already a body of UN Security Council resolutions on Iraq. Under Resolution 678 (29 November 1990), the Security Council had authorised the use of force against Saddam's Iraq in order to restore peace and security in the region. Resolution 687 (3 April 1991) suspended Resolution 678, imposing Iraqi disarmament. It could be argued that as any material breach by Iraq of its disarmament obligations would constitute a material breach of Resolution 687, the right to use force under Resolution 678 would be revived. It was this line of reasoning that had underpinned Operation Desert Fox in 1998. But this was a contentious issue among the legal community, as Lord Goldsmith noted in a memo to Blair on 30 July 2002: "reliance on the 'revival' of authorisation under Resolution 678 (1990) was controversial when it was invoked in 1998 because Resolution 1205 (1998) did not contain any explicit authority to use force"¹¹⁹.

With preparations for military action on an entirely different scale to that of 1998 underway, with a tacitly acknowledged objective of regime change, the authority granted by Resolutions 678 and 687 and the absence of any new facts would have provided scant cover. Recognition by the international community in the form of its most powerful body, the UN Security Council, of Iraq's material breach of its international commitments would, therefore, be appropriate - hence

¹¹⁶ Goldsmith, 2010, p. 94.

¹¹⁷ Hoon, 2002. In this letter, with regard to self-defence, Hoon wrote: "We would be entitled, in principle, if it were shown that Iraq had weapons of mass destruction which were capable of posing a threat to the UK".

¹¹⁸ Goldsmith, 2002, p. 1.

¹¹⁹ *ibid*, p. 2.

Resolution 1441, adopted on 8 November 2002. Yet this resolution offers a number of conflicting interpretations.

From September 2002 to January 2003, the Attorney-General held the same, unchanging position: intervention required the explicit authorisation of the Security Council; as Resolution 1441 did not grant this, it had to be supplemented by a second resolution that explicitly stated it. Prior to the adoption of Resolution 1441, as the negotiations on which he was sporadically updated by Downing Street or the Foreign Office unfolded, Lord Goldsmith reiterated his misgivings as to the solidity of the future resolution as a legal base for war. His position was also supported by Michael Wood, Foreign Office legal adviser, and by his deputy Elizabeth Wilmhurst.

Yet the United States, despite having been convinced by Blair of the need to go down the UN route in order to make their plans for intervention more palatable for the international public, were not necessarily prepared to allow this to restrict their scope for action, which would affect how the resolution was drafted. It was crucial that this new resolution be sufficient in and of itself, through its provisions and its ambiguities (when asked whether it was “crystal clear”, Goldsmith answered: “but the difficulty about 1441 was that it was not crystal clear”¹²⁰). The resolution put forward by the Americans and the British met this requirement, recalling, as early as the foreword, that Resolution 678 had authorised Member States to “use all necessary means to uphold and implement [...] all relevant resolutions and to restore international peace and security in the area” (in the resolution text, this referred solely to restoring peace to the Kuwait region)¹²¹. Resolution 1441 provides, in its second paragraph, that the inspections of the winter of 2002-2003 were “a final opportunity to comply with its disarmament obligations” before introducing, in the fourth paragraph, an ambiguous notion that dispensed *de facto* with the matter being returned to the Security Council: “Decides that [...] failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq’s obligations and will be reported to the Council for assessment”¹²². The introduction of an “assessment” element, which went uncontested by the other permanent members of the Security Council (China, Russia, and France), was a significant victory for Bush and Blair. Indeed, it was clear that Iraq would be in material breach for the most trifling of misdemeanours (of which there would certainly be no lack) and, most importantly, that the Security Council would play nothing more than an evaluative role in Iraq’s violations.

At no point did Lord Goldsmith have an opportunity to exert any influence over these negotiations. While it is true that he received Foreign Office documents informing him of the substance of the text, it was difficult for him to understand its scope, given that the documents in question were out of context.

Following the adoption of Resolution 1441, the Attorney-General raised a dissenting voice within government: while Jack Straw or Tony Blair were advocating (with varying degrees of conviction) a UN resolution that would expressly authorise the use of force because it would be useful in terms of presentation, Lord Goldsmith believed that the government had no choice if it wanted its intervention to be legal. He was convinced that Resolution 1441 was insufficient in itself, and shared that belief with many of his colleagues.

In that respect, his position aligned with that of the Foreign Office legal service (negotiations were conducted by the Washington mission, which had few links with this department). In his written statement to the Chilcot Committee, Sir Michael Wood wrote: “I considered that the use of force against Iraq in March 2003 was contrary to international law. In my

¹²⁰ Goldsmith, 2010, p. 43.

¹²¹ United Nations, Security Council, 1990.

¹²² United Nations, Security Council, 2002, operational paragraph 4.

opinion, that use of force had not been authorized by the Security Council, and had no other legal basis in international law”¹²³.

The Attorney-General’s initial draft advice, which was communicated to Blair on 14 January 2003, was very clear, recognizing that “Resolution 1441 contains no express authorization by the Security Council for the use of force”. Under point 13 of that document, he delivered the *coup de grâce*: “it is my opinion that Resolution 1441 does not revive the authorization to use of force contained in Resolution 678 in the absence of a further decision of the Security Council. The difference between this view of the resolution and the approach which argues that no further decision is required is narrow, but key”¹²⁴. In mid-January, then, the Attorney-General’s position threatened to compromise Blair and Straw’s plans.

The Attorney-General’s *volte-face*: the war has a legal basis

A few briefings by senior UK officials and a visit to Washington later, the Attorney-General changed his position entirely, finding Resolution 1441 to be sufficient in itself.

His colleagues, and Jack Straw in particular, convinced the Attorney-General to accept Resolution 1441 as a sufficient justification for war. On 6 February 2003, the Foreign Secretary implicitly accused the Attorney-General of playing into the hands of the French, the Russians, and the Chinese in calling for a second resolution: in his view, this would allow them to win back what they had lost in the Resolution 1441 negotiations. It was a highly aggressive letter¹²⁵, in which the Foreign Secretary questioned the Attorney-General’s loyalty. Cunning was needed, then, to encourage him to change his mind. Lord Goldsmith’s conversion had begun in London, with a meeting with Sir Jeremy Greenstock, the British ambassador to the United Nations, who provided further detail on the Resolution 1441 negotiations and background information on the discussions with the other powers. During that same period, Goldsmith met with John Scarlett, who provided sufficient intelligence to convince him that Iraq remained in material breach of its disarmament obligations under Resolution 687. A lightning trip to Washington was then enough to convince the Attorney-General that Resolution 1441 did not necessarily require an additional resolution, and even that intervention was justified! On 10 February, in Washington, he met with the legal adviser to the State department, his counterpart on the dossier, with Condoleezza Rice, the National Security Adviser, and with Colin Powell. Lord Goldsmith’s conversion was all the more welcome for the fact that at that same time, the prospects for success of a second resolution were dimming. Colin Powell’s performance, brandishing his vial of anthrax at the Security Council on 5 February, failed to fully convince the public; the speech by Dominique de Villepin, then French Foreign Affairs Minister’s, to the UN Council on 14 February, remained in everyone’s minds. Style aside, that speech was also a faithful reading of the Resolution 1441 text: what had been unanimously adopted by the Security Council was an inspections campaign in Iraq by the IAEA and UNSCOM, not a pre-approval for war. Villepin could not conceive of a war without a second resolution, after having given the inspections a chance. On 10 March, in a televised broadcast, France, through its President, declared its opposition to a new resolution (threatening to use its veto), with Jacques Chirac unable to see on what basis war could be declared in the absence of evidence provided by inspectors on the ground.

Having realised that there would be no second resolution, the Attorney-General changed his mind, and found Resolution 1441 to provide a sufficient legal base for military intervention.

¹²³ Wood, 2010, p. 5.

¹²⁴ Goldsmith, 2003.

¹²⁵ Straw, 2003b.

This change of direction was not shared by Straw's key legal advisers, Michael Wood and Elizabeth Wilmshurst, who held to their initial position. Wilmshurst went as far as resigning on 18 March, saying, "I need to leave the Office [...] I cannot agree that it is lawful to use force against Iraq"¹²⁶. Wood continued to send numerous notes to his minister criticising the decision to rely on Resolution 1441 alone. Jack Straw noted the position of his legal adviser¹²⁷, but dismissed it on the basis of the uncertain nature of international law (in his view, as many interpretations of the law as there were judges). While he reaffirmed his commitment to international law and its obligations, he maintained that there were solid grounds to believe that Resolution 687 and everything that came after it provided a sufficient legal base for military action.

The Foreign Secretary devoted himself to a textual exegesis of Resolution 1441. The crucial question was whether the Security Council had an exclusive role in establishing whether or not Iraq was in breach of its commitments. It did not, in Straw's view, who claimed that the British "were deliberate in not specifying who would determine that there had been a material breach"¹²⁸. Paragraph 12 gave the Security Council the power to "consider" the situation in the event of a material breach, but not to make a decision. This verb was selected precisely because, as the Chambers dictionary shows, it covers a wide range of possibilities, from "look thoughtfully" to "contemplate doing something", while not going as far as "decide"¹²⁹.

Lord Goldsmith then delivered a new opinion, on 7 March 2003, but this new advice remained ambivalent, as he continued to advocate a second, more legally secure resolution, while adding that he accepted the revival of Resolution 678. The ambiguous nature of the opinion drew criticism, particularly from the military, during a meeting with the Prime Minister, the Deputy Head of Government and the Chief of Defence Staff held at Downing Street on 11 March.

This led Lord Goldsmith to decide, on 13 March, to issue a clear and unequivocal opinion. Jack Straw placed at his disposal Ambassador Greenstock's legal adviser Iain McLeod, who had negotiated Resolution 1441, and FCO official Patrick Davies. Through this process, Straw persuaded Lord Goldsmith that the impartial and independent legal opinion prepared by these diplomats would be communicated to Parliament (Foreign Affairs Committee) and Cabinet as well¹³⁰. Here Lord Goldsmith made a major concession: he would not be *stricto sensu* the author of his opinion¹³¹. Goldsmith's former, and possibly true, position (that of 7 March) was not circulated, to ensure that there was no ambiguity as to his full and wholehearted support for the war. On 17 March, he publicly revealed his legal advice, in his response to Baroness Ramsay in Parliament.

In conclusion, the legal base for British intervention in Iraq in 2003 was the declaration by Tony Blair that Iraq was in material breach of its international obligations: "It is indeed the Prime Minister's unequivocal view that Iraq is in further breach of its obligations"¹³². When questioned by the Chilcot Inquiry, Lord Goldsmith confirmed that Blair had indeed made that unequivocal statement, and that there had been written confirmation in an email sent to his office by Blair's private secretary.

Thus, despite the multilateral debates of the UN and three months of international inspections, the legal base, on the British side, for a war that would have lasting and destabilising consequences for the Middle East was nothing more than a letter, sent from one adviser to another.

¹²⁶ Wilmshurst, 2003.

¹²⁷ Straw, 2003a.

¹²⁸ Straw, 2003b, p. 3.

¹²⁹ Straw, 2003b, p. 4.

¹³⁰ McDonald, 2003.

¹³¹ "It would be better, surely, if the Attorney General distributed the draft letter from the Foreign Secretary to the FAC as the basic standard text of his position and then made a few comments". McDonald, 2003.

¹³² Rycroft, 2003.

Chapter 3

A DECISION FOR WHICH THE TRUTH HAS BEEN SLOW TO EMERGE

In 2003-2004, four commissions of inquiry¹³³ conducted investigations into the Iraq war in Britain. Each of those inquiries addressed a specific issue – the quality of the intelligence, or the presentation of that intelligence by Downing Street – and each of them was required to deliver its conclusions within a pre-established timeframe. All, to varying degrees, were considered to be complacent with the power in place.

After this general and unanimous loss of credibility, convening a new inquiry on Iraq required a different approach. It is for this reason that the committee appointed by Prime Minister Gordon Brown in 2009, which took the name of its chairman, Sir John Chilcot, had an extremely broad scope – focusing on the period from 2001 to 2009 – and unprecedented powers of investigation, as no document and no high-ranking British official was beyond its reach.

On appointing the committee, Gordon Brown gave the Chilcot Inquiry the singular ambition of speaking freely and without inhibition, giving great cause for hope amongst those, whose numbers continued to grow, who were now questioning the process that had led to the Iraq fiasco.

Such hopes have so far been disappointed. In the spring of 2016, nearly seven years after the Iraq inquiry committee was convened and more than four years after the final hearings, its report has still not been published, and the fetters on its publication seem to be multiplying. Between the arcane complexities of declassification, the slowness and delays of Maxwellisation, and American refusals, the significance of the report diminishes as the months pass, sparking concerns that this inquiry will deliver nothing more than yet another whitewash, like the inquiries that preceded it.

AN INQUIRY LIKE NO OTHER

Why did Gordon Brown call an inquiry in 2009?

There were no grounds for an inquiry in the theatre of military operations. There was not, in 2009, any massacre or deadly ambush – as there was in 2006 – that would have justified the early withdrawal of British soldiers, or the establishment of an urgent inquiry. The withdrawal of British troops was undertaken calmly, beginning on 31 March and completed by 31 July 2009. This inquiry was launched primarily in order to provide answers to the families of the victims.

The Chilcot Inquiry was a political move on Gordon Brown's part. Since 2005, Britain's political class had become restless. A motion by the SNP (Scottish National Party) and the Welsh nationalists (Plaid Cymru) called for an inquiry led by seven parliamentarians – who should also be Privy Counsellors – to be conducted in public. The nationalists won the support of the Liberal Democrats; William Hague, shadow Foreign Secretary, indicated that the Conservatives would support the motion if the government did not agree to hold an inquiry. But they clashed with Labour, who favoured an inquiry conducted *in camera*. Tony Blair, then still Prime Minister, had refused to bow to calls for an inquiry while there were still British soldiers in Iraq¹³⁴. These calls became ever more insistent and, on 18 December 2008, David Cameron, Leader of the Opposition,

¹³³ Straw, Jack, 2003c; Intelligence and Security Committee, 2003; Hutton Commission, 2004; "Review of Intelligence on Weapons of Mass Destruction: Report of a Committee of Privy Counsellors" ["The Butler Report"], 2004.

¹³⁴ Branigan, 2006.

took Prime Minister Gordon Brown to task before the House of Commons, asking “Will the Prime Minister tell us why he has not today announced a full-scale independent inquiry [...] with powers and membership comparable to the Franks inquiry into the Falklands war?” He was followed by Nick Clegg, Leader of the Liberal Democrats (who had opposed the war in 2003), who said “the government must not end this war as they started it – in secret, unaccountable and behind closed doors”¹³⁵. The Prime Minister responded to these statements as Blair had done, saying that he would wait for the last British soldier to leave Iraq before launching any inquiry.

It would seem, then, that the launch of the Iraq Inquiry was less an essential exercise, driven by a search for truth, than a communications one (removing memories of the failed 2003-2009 intervention, symbolised by a less than glorious withdrawal) by giving the impression of regaining control. One should also not overlook the electoral backdrop: Gordon Brown was then eighteen months away from his first electoral test, and perhaps wished to capitalise, from a political perspective, on an inquiry that would serve as a response to the repeated requests of the British public, traumatised by their dead (179) and wounded (3500) soldiers, and anxious to understand the reasons behind this failure. He perhaps hoped to improve his image, and to do so at the expense of Tony Blair, with whom he had had a deeply stormy relationship, would doubtless have been seen as an added benefit. Downing Street knew that an inquiry could be both positive and dangerous for the Labour party. It would offer an opportunity to win back the two million voters who had abandoned the party since 2003 – but a harsh verdict would be damaging for Gordon Brown who, as Chancellor of the Exchequer, had financed the war, and for both Geoff Hoon, then Defence Secretary, and Foreign Secretary Jack Straw.

That the Chilcot Inquiry was conducted in public was akin to a democratic *coup de force*. From the spring of 2009, the British press hummed with information on the upcoming inquiry: it was to be another Franks Inquiry, with an identical structure, yet different. The Franks Inquiry – an expert committee – was launched in 1982 during the Falklands crisis. The six Privy Counsellors had deliberated behind closed doors, and had had access to all government documents. The Franks Report had criticised the Thatcher government for failing to make the Falklands a priority, but had absolved it of any errors made in preparations for the Argentine invasion.

Gordon Brown favoured this format: a committee working *in camera*. To his mind, a public inquiry with legal counsel for every party, at which officials would be represented by their lawyers, was synonymous with a long inquiry, with legal arguments and counter-arguments.

But Brown’s announcement that the Inquiry would be held *in camera* was seen as an affront to democracy. The motion was taken up by Parliament, both in committee and by leading Opposition figures. On 18 June, the Public Administration Select Committee stated that: “the need for effective accountability and public confidence demands that the inquiry be conducted as openly and publicly as possible. We recommend that the government reconsiders its decision to conduct the Iraq inquiry in private”¹³⁶. “There should only be very limited exceptions to this general rule, which would be best decided by the members of the inquiry itself, not by the Government [...] It is wrong in principle that the executive alone should determine the terms of this inquiry, when the conduct of the executive is a central part of what the inquiry will have to consider”¹³⁷.

The furore gained the cause of a number of prominent lawyers and supporters among military leaders, including Major General Julian Thompson, who warned that “A report from a secret inquiry will look like a whitewash”¹³⁸, and even former Cabinet Secretary Lord Butler. Four days after announcing an *in camera* inquiry, Brown asked Chilcot to consider holding some sessions

¹³⁵ HC Deb, 18 December 2008, c1236-1240.

¹³⁶ House of Commons Public Administration Select Committee, 2009, paragraph 16.

¹³⁷ *ibid*, paragraph 18.

¹³⁸ Irvine, 2009.

in public: the latter did exactly that. It was through political pressure, therefore, that the Inquiry was made open to the public, to bring justice to the victims.

A GROUND-BREAKING INQUIRY

Brown decided to make this public inquiry exceptional. Yet the task assigned to it, as it was presented in Brown's statement to the House of Commons on 15 June 2009 when he announced its establishment, was far from it: "the Iraq inquiry has been established to identify lessons learned from British intervention in Iraq, in order to help future governments who may face similar situations". It was in its scope and means that the Inquiry's exceptional nature lay. As the Prime Minister said, "its scope is unprecedented", adding "no British document and no British witness will be beyond the scope of the Inquiry"¹³⁹. He appointed five Privy Counsellors to the inquiry committee (Baroness Usha Prashar, Sir John Chilcot, Sir Lawrence Freedman, Sir Martin Gilbert and Sir Roderic Lyne), and found in Sir John the right person to act as chairman.

The Chilcot Inquiry was exceptional first of all in the powers conferred upon it. Its powers of investigation were both far-reaching and highly regulated. There were no fewer than four protocols governing the relationship between the Chilcot Inquiry, the government and the witnesses. Reading them, it is easy to detect the seeds of potential conflict between the Inquiry and the government. The Inquiry's powers, while certainly greater than those afforded to earlier inquiries, were strictly circumscribed by the protection of national interests, of which the government, represented by the Cabinet Secretary, is guarantor.

The principal protocol governed the relationship between the government and the Inquiry, and governed the publication of any confidential information in the Inquiry's report. On 17 June 2009, Gordon Brown wrote to the Chair Sir John Chilcot: "I am fully committed to a thorough and independent inquiry, and guarantee the full cooperation of the Government. As Privy Counsellors, you will have unhindered access to government documents. I have written to all relevant current and former Ministers to underline the importance of their full cooperation. And the Cabinet Secretary is writing to departments to underline the need for full transparency"¹⁴⁰. Point 7 of the protocol set down the areas for which publication was prohibited.

The second protocol concerned sensitive information, setting down what 'sensitive information' was understood to mean and stipulating that such information must be heard in private and must not be publicly disclosed. The list of sensitive information reproduced verbatim Article 7 of the government protocol. This protocol would not have been needed had the hearings not been public, inevitably giving rise to clashes between the chairman of the Inquiry – who requested declassification – and the official responsible for the declassification of government documents: the Cabinet Secretary, who would make full use of the powers of retention on sensitive information that the protocol conferred.

The two remaining protocols concerned the giving of evidence before the Inquiry by witnesses. The first of these, on witnesses giving evidence before the Inquiry, sets out the Inquiry's expectations of its witnesses, and what those witnesses might expect of the Inquiry. Hearings could be public provided that their content did not jeopardise national interests (security, defence, international relations, and the economy). The most significant sentence, which set the tone and framework for the Inquiry, was this cautionary note under Article 10: "The prime purpose of the Inquiry is to identify lessons to be learned. The Inquiry is not a court of law and nobody will be on trial, although the committee will not shy away from making criticisms if warranted"¹⁴¹. Each

¹³⁹ HC Deb, 18 December 2008, c1236-1240.

¹⁴⁰ Brown, 2009.

¹⁴¹ "Protocol for witnesses giving evidence to the Iraq Inquiry", n.d.

hearing was followed by the publication of its transcript, the following day, once the witness had authenticated and signed their testimony. When reporting on private hearings, three methods were established: a summary; a redacted transcript of the testimony; or a full transcript, where the topics under discussion did not compromise secrecy or where the hearing had been conducted privately solely to protect the identity of the witness. Finally, Article 30 provided that if the Inquiry were to criticise a witness, that person would be able to respond in writing before the publication of the final report: “If the Inquiry expects to criticise an individual in the final report, that individual will, in accordance with normal practice, be provided with relevant sections of the draft report in order to make any representations on the proposed criticism prior to publication of the final report”¹⁴². This is the so-called ‘Maxwellisation’ process, after its first application in 1969 in proceedings brought by press magnate Robert Maxwell against the British administration, which, Maxwell claimed, had defamed him. It should be noted that there is no upper limit on response time in this adversarial process.

The protocol on public hearings set out thorough terms for witness protection, in order to ensure that their appearance before the Inquiry did not damage their career prospects: “Junior staff or contractors who [...] have reasonable concerns that their safety, career or future employment may be at risk if they are identified”¹⁴³ may give evidence in a private session.

Exceptional in terms of its powers of investigation, the Chilcot Inquiry was also exceptional in terms of the mandate given to it by Gordon Brown. The period set for review by the Prime Minister was long (2001-2009), yet was deemed to be not long enough by Chilcot, who decided to extend it still further. He communicated this to Prime Minister David Cameron in a letter, dated 13 July 2012. The Inquiry’s work plan, as set out in this same letter, had taken both a chronological and thematic approach, doing justice to Gordon Brown’s pledge that “its scope is unprecedented”¹⁴⁴. Every element of Britain’s involvement was assessed, whether political (decision-making and plans for a post-Saddam Iraq, or lack thereof), diplomatic (UN resolutions) or military. The sheer ambition of the work set out in this three-page document, exhaustive in both breadth and depth, is staggering: 38 areas for study, each vast in its scope. This, truly, was a Herculean task.

The final illustration of the Chilcot Inquiry’s exceptional nature is the budget allocated to it, which to date exceeds £10 million. The government assured the committee that it would have the funds necessary for the proper conduct of its inquiry. Between 2009 and 2015, the Iraq Inquiry’s costs were £10375000. More than £1.5 million was spent on remuneration for the five committee members and their two advisers, with Chilcot, as chairman, earning £790 a day and the other members earning £565¹⁴⁵.

CHILCOT ATTACKED OVER DILIGENCE

The final hearings were held in February 2011. Yet Sir John Chilcot, always keen to stress his desire to produce a high-quality report as justification for the delay, continues to push back the report’s publication date. Yet the reasons for the calling of the Inquiry in 2009 remain as significant as they were then, and the government’s responsibility to be held accountable by the country has not gone away. For all that, though, the public seem somewhat passive in the face of what may be a discreet burial of the Inquiry, and those MPs who questioned the government or called for the publication of the report before the 2015 general election were few and far between.

¹⁴² *ibid.*

¹⁴³ “Protocol for hearing evidence by the Iraq Inquiry in public, and for identifying witnesses”, n.d.

¹⁴⁴ HC Deb, 15 June 2009, c23-28.

¹⁴⁵ Stevens, 2015.

Criticisms: the slow pace of declassification and Maxwellisation

Declassification is a demanding, complex and slow process. The protocol between the Inquiry and the government sets out both the documents that can be passed to the Inquiry and, of those documents, those that can be disclosed in the final report.

Point 6 of the protocol governs the Inquiry's authorisation and confidentiality measures. The Inquiry has access to all government documents, irrespective of security classification (all committee members having been awarded clearance), with the exception of documents supplied by third parties who have not authorised such disclosure.

Excluded from the declassification process are the documents protected under Article 7, which concern the national security, defence interests or international relations or economic interests of the United Kingdom, or other considerations afforded special protection under British law, such as the principle of Legal Professional Privilege. Such documents, which the Inquiry has been able to access, cannot be published.

All other classified documents that the Inquiry deems appropriate for inclusion in its final report must first be declassified in order for them to be made public. This is a three-stage process.

During the first stage, the Inquiry notifies the department, agency or government body from which the information originally came, or which was the recipient of that information, of what the Inquiry wishes to include in its final report. The department in question must provide a response to the Inquiry within ten working days, either confirming that the information can be published, as per the Inquiry's notification, or stating that it considers that information to fall within the scope of Article 7, and can therefore not be published. In such cases, the department can suggest either redaction or reformulation, or complete censorship of the information in order to protect confidentiality.

If the Inquiry is satisfied with the amendments suggested by the department, it informs it of such, and proceeds to publish the documents. If not, the Inquiry has two levels of recourse. The first is through the Cabinet Secretariat, who will seek an agreement with the relevant administration as to the form that the information the Inquiry wishes to publish might take. If no agreement can be found, the chairman of the Inquiry, Sir John Chilcot writes to the Cabinet Secretary, at the next hierarchical level, who then has the final word: a clear illustration of the imbalance of power between the chairman of the Inquiry and the Cabinet Secretary.

At this stage, if an agreement is found, the Inquiry and the department draft the information that will be published. If no agreement can be reached, the Inquiry cannot publish that information. There remains the possibility for the Inquiry to mention in its report that documents that it would have wanted to publish have been retained by the administration. Clearly, this extremely complex process is one that lends itself to endless quibbling, rather than the swift publication of the report.

Since the Inquiry's launch, the two major stumbling blocks have been political. Consultation of the 'evidence' published on the Inquiry's website shows that a very large number of documents were declassified by the authorities, with the exception of two areas that the Cabinet Secretary – since 2011, Sir Jeremy Heywood – wanted removed from declassification. These were the minutes of Blair's government's Cabinet discussions, and the transcripts of exchanges between George W. Bush and Tony Blair. It is still not clear, twelve years after the start of the war and seven years after the Inquiry began, exactly when Tony Blair made a commitment to George W. Bush to stand alongside him, whatever the cost, in the operation against Iraq. As early as 2001? March 2002? April, or later still? Did he involve the Cabinet in his decision? As we shall see, Sir John Chilcot won, at least in part, the day, and will be able to publish the bulk of the documents that he argued would shed particular light on Blair's state of mind before going to war.

As regards Cabinet discussions, Chilcot has confirmed that an agreement has been struck, under which the Inquiry will publish the minutes of some 200 Cabinet and Cabinet committee meetings¹⁴⁶.

The transcripts of discussions with Bush have presented more of a challenge, necessitating the involvement of the White House and potentially undermining the special relationship between Britain and the US. In an exchange of letters between Chilcot and Gus O'Donnell, Cabinet Secretary until late 2011, Chilcot requested the declassification of exchanges between Blair and Bush on the date and terms of the British decision to intervene in Iraq alongside the Americans: "the material requested provides important, and often unique, insights into Mr Blair's thinking and the commitments he made to President Bush". Chilcot argued that the key protagonists (Bush, Blair, their advisers) had, in their memoirs, given their own versions of these discussions¹⁴⁷. O'Donnell dismissed this argument with ease: the publication of their memoirs by former politicians and their advisers – even where they have observed the Radcliffe principles¹⁴⁸ – does not have the same weight as the publication of that same information by the government¹⁴⁹. From O'Donnell's perspective, their publication would not be in the public interest because it would harm Britain's international relations. Conceding this point to O'Donnell, Chilcot came back on the offensive: in his view, as the Inquiry had had access to the written records and had drawn conclusions from them that would feature in the final report, it was consistent to also publish the documents that supported those conclusions¹⁵⁰. He drew a parallel with the obstruction of the publication of Cabinet discussions: where it had been necessary to waive confidentiality in order to declassify the advice of the Attorney-General, the Cabinet Secretary had granted an exemption allowing the declassification of a document that, under normal circumstances, could not be declassified¹⁵¹. Why could those same considerations not be applied in relation to the limited extracts from exchanges between Bush and Blair, asked Chilcot? But O'Donnell continued to refuse¹⁵². Nevertheless, Chilcot would again, in part, win the day: he announced that an agreement had been struck in September 2014 allowing the Inquiry to publish 29 notes sent by Blair to Bush, which had been subject to very limited revision¹⁵³. A twist in the tale presented itself on 15 October 2015, which suggested that others might follow: the leaking of a memo written by Colin Powell to George W. Bush in March 2002, in which Powell confirms that the British Prime Minister will support US military action, one year prior to calling a Parliamentary vote¹⁵⁴.

During his hearing before the House of Commons Foreign Affairs Committee on 4 February 2015, Chilcot stated that he had not met with any obstruction, nevertheless immediately adding that he had requested the declassification of a great many documents, and that the administration had

¹⁴⁶ Chilcot, 2014.

¹⁴⁷ Chilcot, 2010b.

¹⁴⁸ Political leaders who publish their memoirs or diaries must, theoretically, submit these to an administrative committee, which will check to ensure that they contain nothing that might adversely affect the Crown. This principle was formalised following the publication by Winston Churchill of the third volume of *World Crisis* in 1926. Certain potentially sensitive chapters of this publication were sent to various government departments and the text as a whole to Prime Minister Stanley Baldwin. Baldwin, in response to a parliamentary question, provided further detail on these principles (HC Deb. 5S.559 [March 1926]). Select Committee on Public Administration, 2006.

¹⁴⁹ O'Donnell, 2010a.

¹⁵⁰ Chilcot, 2011.

¹⁵¹ Sir Gus O'Donnell and Sir John Chilcot came to an agreement regarding the declassification of the Attorney General's draft legal advice. They exchanged letters on 25 and 28 June 2010: O'Donnell, 2010b; Chilcot, 2010a.

¹⁵² O'Donnell, 2011.

¹⁵³ Chilcot, 2015a.

¹⁵⁴ Tisdall, 2015.

struggled to respond as promptly as the Inquiry might have hoped. In so doing, he passed the buck for any lack of diligence to the administration, without mentioning any fundamental problem of any kind.

The second process, and a factor in slowing down, even blocking, progress, is Maxwellisation.

Under this procedure, “if the Inquiry expects to criticise an individual in the final report, that individual will, in accordance with normal practice, be provided with relevant sectors of the draft report in order to make any representations on the proposed criticism prior to publication of the final report”¹⁵⁵. The question, then, is whether Maxwellisation allows witnesses unlimited blocking powers.

None of the protocols specifies an upper time limit by which witnesses must provide a response to the Inquiry, which does not encourage a swift reply. When the matter of a time limit was put to him in the House of Commons in February 2015, Chilcot stated that he did not want to sacrifice the quality of his report to urgency¹⁵⁶. He added that allowing witnesses a reasonable amount of time was not the same as allowing them unlimited time.

In a letter addressed to the Prime Minister, on 15 June 2015, Chilcot confirmed that a significant proportion of the requested responses had been received¹⁵⁷. On 20 July, responding to Mr Crispin Blunt MP, Chilcot reiterated that none of the witnesses involved in Maxwellisation had taken an “unreasonable” length of time to respond, and that what was reasonable depended on the individual circumstances of each case¹⁵⁸.

Is there a desire to sabotage the Chilcot Inquiry?

It should be emphasised that many committees of inquiry have been established in order to bury the very issues on which they were meant to throw light. There are various ways in which to achieve this: appointing a chairman with limited knowledge of the subject matter, yet who is unimpeachable; dragging the process out until the issue ceases to be the scandal that gave rise to an inquiry. There are sound reasons to believe this of the Chilcot Inquiry, and several points that could be put forward to support the idea of sabotage.

First, declassification is a discretionary power of the administration. The process, as we have seen, is an instrument wielded by the Cabinet Secretary, who can, ultimately, decide not to declassify a document on the grounds of national interest – a broad term. Those who have held the post of Cabinet Secretary since the Inquiry began – Gus O’Donnell from 2005 until late 2011, and Jeremy Heywood since then – have freely exercised that right. The tone of the letters exchanged between Sir John Chilcot and the two Cabinet Secretaries is sharp, and the relationship between them has irresistible echoes of David and Goliath. Chilcot has no form of leverage against the Cabinet Secretary, who can refuse declassification with impunity and with no possibility of appeal. There is a huge imbalance in terms of strength and influence. Sir John Chilcot, who turned 76 in 2015, was a mandarin and a veteran of the Butler Inquiry, but has never held the senior positions within the government administration that would make him formidable or feared. Moreover, he is in the uncomfortable position of applicant. Sir Jeremy Heywood, on the other hand, 54 years old in 2015, has spent twenty years at the epicentre of political life, serving as Principal Private Secretary to two Chancellors of the Exchequer (Norman Lamont and Kenneth Clarke), Permanent Secretary to three

¹⁵⁵ “Protocol for witnesses giving evidence to the Iraq Inquiry”, n.d.

¹⁵⁶ “Oral evidence: Progress of the Iraq Inquiry, HC 1027”, 2015.

¹⁵⁷ Chilcot, 2015b.

¹⁵⁸ Chilcot, 2015c.

Prime Ministers (Tony Blair, Gordon Brown, and David Cameron) and one Deputy Prime Minister (Nick Clegg), from Conservatives to the Liberal Democrats to Labour. Since 2014, he has held the title of Cabinet Secretary alongside that of Head of the Civil Service. Jeremy Heywood is a senior bureaucrat not given to soul-searching, who is fully aware of his value. Unlike Sir Humphrey Appleby, popularised by the BBC series *Yes Minister* (1980-1984) and *Yes, Prime Minister* (1986-1988), he does not endeavour to frustrate the decisions of the leaders that he serves¹⁵⁹. Is he closer to David Cameron than to the other Prime Ministers he has served, in that they have known each other since the days of Black Wednesday's sterling crisis on 16 September 1992, when Cameron was special adviser to the Chancellor of the Exchequer, Lord Lamont? His powers over which documents may be declassified are considered excessive by some, including Liberal Democrat Lord Owen, a former Foreign Secretary, who called for him to be relieved of his duties in 2013.

Second, the Maxwellisation process affords witnesses blocking powers.

The most symbolic figure among those individuals suspected of delaying publication is, of course, Tony Blair, who nevertheless claimed on 27 May 2014 that he was not blocking the process, and that he was the first to hope for the report's publication. It may well be that it is the military, rather than the politicians, who have been slow in submitting their corrected versions¹⁶⁰.

Late replies aside, the Inquiry has been faced with responses referencing documents or events that had not yet been communicated to the Inquiry. Chilcot explained in July that he would have to request that these be communicated to the Inquiry, and would then have to request the declassification of new documents. He might perhaps even need to send new Maxwellisation letters following new discoveries ... and so on.

Third, conspiracy theories on the Chilcot Inquiry abound. Such suspicions stem from the fact that in 2013-2014, Chilcot implied that it was not impossible that the report might be published in the near future, while remaining vague in the extreme as to a date. No-one, however, could overlook the upcoming general election in May 2015. To what extent did the timing of these elections influence the pace of the Chilcot report's progress? In May 2014, David Cameron declared, "my understanding is that they will be able to publish before the end of the year and I very much hope they will deliver on that timetable"¹⁶¹. This question had been put to the House of Lords by Lord Dykes, who believed it to be in the democratic interest that the responsibilities of the politicians of that period be discussed prior to the elections. He was neither heard nor supported, and David Cameron did not take any further steps, as though the delay suited him.

Might one go as far as to suspect a "pact" linking Blair and Cameron? Lord Owen voiced such a theory in 2013: "Publication of the Bush extracts would not be blocked if Tony Blair had not objected, nor if that objection had not been supported by the present Prime Minister, David Cameron. Both men are hiding behind conventions that are totally inappropriate given the nature of the Inquiry". He went as far as to add that: "Number 10 reveals that they [Cameron and Blair] are in constant contact on many issues. Not for nothing does Cameron see himself still as the 'heir to Blair'. It is hard to escape the conclusion that Number 10 hopes to ... win the neutrality or possibly tacit support of Blair by the General Election"¹⁶³. The idea was given credence by Cameron's detachment from and even indifference to the Inquiry between 2010 and 2015; perhaps because he was hindered by the coalition with the Liberal Democrats, who had opposed the war. Since being returned as Prime Minister, and freed from coalition with the Liberal Democrats, he has taken a more aggressive line with Chilcot. On 16 August, *The Sunday Times* ran the headline "No 10 tells Chilcot: you've had enough time"¹⁶⁴ and, when interviewed on the Today programme on Radio 4,

¹⁵⁹ Neville and Stacey, 2013.

¹⁶⁰ Mostrous, 2015.

¹⁶¹ Labbé, 2015a.

¹⁶³ Osborne, 2013.

¹⁶⁴ Shipman, 2015.

he suggested that he did not consider the explanation given by Chilcot, which lay responsibility for the delay at the door of Maxwellisation, to be satisfactory¹⁶⁵.

Yet one could equally argue the contrary: that there is no desire to sabotage, and that the Chilcot Committee is simply overwhelmed by the scope of its remit. Again, there are three arguments to support such a position.

The first of these is the relative incompetence of its members, starting with its chairman. As *The Guardian* put it on 16 June 2009, Sir John Chilcot is one of the mandarins on whom the government could rely¹⁶⁶. His most senior position has been as Permanent Secretary to the Northern Ireland Office. He has served as Principal Private Secretary to Home Secretary William Whitelaw, and been a member of the Butler Inquiry in 2004. One of his Home Office colleagues has described him as having “an immensely subtle mind”¹⁶⁷. Duly noted. But is he pugnacious? Philippe Sands, an international lawyer who followed the work of the Butler Inquiry closely, observed that given Sir John’s “spoon-fed questions [...], it is not immediately apparent that he will have the backbone to take on former government ministers”¹⁶⁸.

Two members of the Inquiry committee were academics: Sir Lawrence Freedman (a professor at King’s College London and a specialist in nuclear strategy) and the late Sir Martin Gilbert, a historian and biographer of Winston Churchill, among others. Sir Roderic Lyne is the only member to have held a diplomatic post and to have been involved in political matters, having served as adviser to John Major.

Is this so-called “expert” committee worthy of the name, given that it features no legal expert, no military figure and no specialist on the Middle East? All of its members are senior civil servants, with careers of no great distinction. Their main strength is that their training and experience have left them well-versed in the conduct of an inquiry, delays included. Nevertheless, it was without doubt in response to calls of incompetence that two experts were appointed to provide guidance on military matters – General Sir Roger Wheeler – and on international law – Dame Rosalyn Higgins QC, a professor of international public law.

Has the Inquiry been sufficiently demanding in its role as questioner? *BBC* journalist Paul Reynolds criticised the committee’s tentative approach during Gordon Brown’s hearing¹⁶⁹. Reynolds faulted the committee members on several points. For example, when Brown said that Iraq had failed to honour its international obligations, the Inquiry members did not point out that Iraq had been largely disarmed since the first Gulf War. Similarly, when he stated that pursuant to Resolution 1441, weapons of mass destruction had to be disclosed and that no such disclosure had been made, Brown was not pressed on what those weapons were, despite it having been established in the Iraq Survey Group report that Iraq did not have WMD.

Lastly, certain points regarding the independence of the Inquiry members *vis-à-vis* Blair merit consideration. Chilcot was knighted by Blair in 2004; Sir Lawrence Freedman was involved in drafting Blair’s Chicago speech on liberal interventionism¹⁷⁰, and Sir Martin Gilbert had written that “[Bush and Blair] may well join the ranks of Roosevelt and Churchill”¹⁷¹.

The second reason is that the Inquiry’s task has been positively Herculean.

¹⁶⁵ Press Association, 2015.

¹⁶⁶ Norton-Taylor, 2009.

¹⁶⁷ McKittrick, 2002.

¹⁶⁸ Pierce, 2015.

¹⁶⁹ Reynolds, 2010.

¹⁷⁰ See chapter 1.

¹⁷¹ Gott, 2015.

The five-member inquiry was reduced to four members following the death of Sir Martin Gilbert on 3 February 2015, after a long illness. The committee gathered testimonies from 150 witnesses, and held 130 public sessions. It has analysed 150000 British documents, of which some 7000 are to be cited in the report, and more than 1500 will be published alongside the report¹⁷².

Chilcot has shown a certain pride in chairing the Inquiry's work, and does not want to sacrifice its quality. This was made glaringly apparent in his hearing before the House of Commons Foreign Affairs Committee on 4 February 2015. There Sir John identified the three factors behind the delay in publication: "The first is that the issues arising from the decision to participate in the invasion of a sovereign nation are of the gravest kind [...] The second point is that the scope of this inquiry is unprecedented [...] The third factor is that many of those decisions and the actions that have flowed from them are interlinked by a web of advice, discussion and debate"¹⁷³.

Thirdly, Chilcot's repeated refusals to report on the progress of his work are worthy of note.

Sir John Chilcot has undeniably had a part to play in the delays that have beset his inquiry's work. He has failed to meet any of the deadlines set for him or those that he has set for himself, revealing a serious lack of organisation. The Inquiry's chairman has displayed an over-sensitive temperament whenever he is questioned as to the date of publication of his report, or when any overly specific questions are put to him. On the issue of Maxwellisation, for example, he has refused to state the number of people who have been or are involved in that process.

From 21 June 2009, six days after his appointment as chairman of the Inquiry by Gordon Brown, he ruled out the publication of an interim report, and continued to have doubts as to how he would conduct his inquiry: "I am not yet in a position to state in more detail exactly how we will conduct the Inquiry"¹⁷⁴. History would appear to have proven him right.

On 16 November 2011, the Inquiry announced that it would not be in a position to publish its report any earlier than the summer of 2012. In his letter to David Cameron on 13 July 2012, Chilcot declined to submit an interim report. He did, however, indicate that he believed that Maxwellisation would begin in mid-2013. In July 2013, he pledged that he would begin sending out letters announcing Maxwellisation the following month, indicating that the official letters would arrive in later October 2013. Yet in early November he announced that he had failed to meet the deadline, as the government had still not authorised the declassification of certain documents. Late May 2014 brought an announcement of an agreement between the government and the Inquiry: the limits for declassification had been set, and Maxwellisation could begin.

By the end of December 2014, the Maxwellisation letters had been sent, and almost all responses had been received by June 2015 – and yet the Inquiry has still not set a final deadline for publication, even when Chilcot was called before Parliament in February 2015, perhaps to avoid missing such a deadline.

¹⁷² "Oral evidence: Progress of the Iraq Inquiry, HC 1027", 2015.

¹⁷³ *ibid.*

¹⁷⁴ Chilcot, 2009.

CONCLUSION

On 3 December 2015, the House of Commons voted, with 397 votes in favour and 223 against, to support a motion that would extend the airstrikes against Islamic State, already underway in Iraq for the past year, to Syria. These strikes underlined the Prime Minister's previous inability to convince his Parliament to authorise such strikes in August 2013, despite Bashar al-Assad's use of chemical weapons against his own people. His sweeping majority would have been unimaginable prior to the Paris attacks on 13 November 2015, and David Cameron, troubled by Britain's slip in prominence on the international stage, did not pass up the opportunity to join a coalition that featured both the US and France. During a six-hour debate, Cameron made clear reference to Blair: "This is not 2003. We must not use past mistakes as an excuse for indifference or inaction"¹⁷⁵.

Blair's decision in 2003 in favour of military intervention in Iraq alongside the US, therefore, has all the signs of being a trigger for so many others; the source of a series of decisions or non-decisions that are clearly and explicitly connected to it, such as the decision not to intervene in Syria in August and the subsequent decision in favour of intervention in Syria in December 2015. The casual way in which the decision to go to war was taken, the catastrophic consequences for the region in question, and Britain's subsequent hesitancy, have left a lasting impression on policy-makers. Yet the decision in favour of military intervention in a sovereign state is no ordinary decision. It commits an entire government, involves the armed forces, and requires some thought to have been given to the aftermath. Blair and his inner circle, however, did none of this. Indeed, the seeds of his decision to overthrow Saddam can be seen both in his 1999 Chicago speech and in the way in which his government operated, dubbed the 'sofa government', making it the role of the government to rubber stamp the Prime Minister's decisions rather than to criticise them. It was this blend of the messianic, even improvisational, that so shocked the British people once the human casualties mounted and the military operations in the Basra region proved to be a fiasco.

More serious, however, is that Blair's decision in favour of military intervention in Iraq was founded on a lie. At this study's conclusion, we know that when he stood before Parliament, Blair deliberately exaggerated, to the point of lying, the threat that weapons of mass destruction in Iraq might present. The grounds that he had given for the legality of the war did not, therefore, hold. Bush knew this, as did his advisers. And yet they have not been punished for it. Nothing: not the slightest reprimand, not the most minor of sanctions. Both Bush and Blair were even re-elected in 2004 and 2005 respectively. One can, of course, maintain that diplomacy relies on untruths, and that realism must prevail over candid probity. This widely accepted logic cheapens both the ethics of our politicians and the expectations of their citizens; it feeds disillusionment within the political sphere and, by extension, among the public. We can choose not to accept it.

The Iraq war may have taken place but, contrary to George W. Bush's assertion, in his incautious remarks on the aircraft carrier *USS Abraham Lincoln* on 1 May 2003, the mission was far from accomplished. Wellington said that a great country cannot wage a little war. The UK has painful experience of that fact. Winning the war against Saddam was not a challenge. Establishing peace and building a strong and viable state on shifting and uncertain foundations was the real challenge: and neither the US nor the UK has risen to it. While the emergence of ISIS is not, strictly speaking, the direct result of the US-British intervention of 2003, that intervention nevertheless created fertile ground, and gave Islamic State its leading figures. A decision taken so lightly could not fail to be difficult to action in a region as complex as the Middle East, and in a country ravaged by tribal rivalries and religious conflict, bled dry by twenty-five years of Western wars and economic sanctions.

The failure of Bush and Blair's intervention in Iraq is blatant, then, and there would be nothing shocking – it would, rather, be morally right – for those responsible for that failure to be

¹⁷⁵ Prime Minister's Office, 2015.

held accountable to the people who elected them. This was the objective of the Chilcot Inquiry, appointed in the UK in 2009, and it is the reason for which the report of that inquiry is awaited with such impatience and concern: impatience on the part of the families of the victims, and of Blair's enemies; and concern by all those who gave evidence to the Chilcot Inquiry. Publication of the report will bring an end to the pact of silence that has bound all those who have spoken before the Chilcot committee since the hearings began, six years ago. Clare Short, Blair's former Minister for International Development, has already offered a glimpse of it, having declared the first draft of the final report to be "very poor and [...] as big as War and Peace"¹⁷⁶! Most worrying of all, however, is that the various parties will seek to lay the blame at each other's doors: Blair's interview with *CNN* on 25 October 2015 may have made some public apology for the invasion of Iraq, yet he stressed the responsibility of the intelligence agencies, which does not bode well as to how stoic the responses of the various protagonists might be. The military will accuse the politicians of inadequate preparation, and fear charges under international criminal law. Senior officials within the intelligence agencies have already written their memoirs, in which they have recorded their own truths. These, for now, are being kept quietly private, but would certainly be made public were those officials to be criticised, and were the politicians responsible – read, Blair – to be cleared of any wrongdoing. Only the most senior politicians – Tony Blair, Gordon Brown and Jack Straw – have long seemed untouched, without apology or regret. They have become highly prized speakers, for whom the Iraq war is a distant memory. Things may change dramatically for them. On 25 October, Tony Blair opened up a Pandora's box of cascading responsibility.

Two recent events herald the prospect of a swift publication of the Chilcot report. The first was the absolute majority secured by David Cameron in the general election of 7 May 2015, which released him from the coalition with the Liberal Democrats – who opposed war in 2003 – and allowed him to take a much harder line with Sir John Chilcot. The second was the election as Labour party leader of Jeremy Corbyn, who helped to organise the wide-scale anti-war demonstrations of 2003 and who remains opposed to any British military intervention; particularly to airstrikes in Syria, at the risk of splitting his party. Chilcot has committed to delivering his report to the Prime Minister by the week beginning 18 April 2016; Cameron, in turn, has said that he will exercise his right of scrutiny for reasons of national security as expeditiously as possible. This should mean that the report could be published in July, unless the vagaries of British life dictate otherwise.

What reception will such a long-awaited publication receive? The Chilcot report will not be a whitewash, and it will criticise the decision-making process that led up to British military intervention in Iraq in 2003. Yet its length, at two million words, offers no promise that it will be read. Nevertheless, a *vademecum* kept to hand for reference prior to any too-hasty military action would be most useful in the event that passions rise again¹⁷⁷.

Such an undertaking – so ambitious that it seemed destined to fail, so scrupulous as to be buried time and again – deserves recognition. While there may be no way to predict who the winners of this public unveiling of a public decision will be, it is a reflection of the vibrancy of Britain's democracy – and that is something to be applauded.

¹⁷⁶ Norton-Taylor, and MacAskill, 2015.

¹⁷⁷ Hassner, 2015.

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THE CHILCOT COMMITTEE MEMBERS (THE IRAQ INQUIRY)

Sir John Chilcot

Sir John Chilcot, born in 1939, was appointed Chairman of the Iraq Inquiry by Prime Minister Gordon Brown on 15 June 2009. He served as a senior British civil servant until 1997, notably as the Permanent Secretary to the Northern Ireland Office from 1990. Since taking retirement, he has chaired or been involved in not-for-profit organisations, while continuing to take an interest in public affairs and the intelligence community. He advised the intelligence agencies on personnel management from 1999 to 2004, and was a member of the Butler Committee, which conducted an inquiry in 2004 on the WMD intelligence gathered prior to British intervention in Iraq.

Professor Sir Lawrence Freedman

Sir Lawrence Freedman, born in 1948, was Emeritus Professor of war studies at King's College London until 2014. He has written extensively on nuclear strategy and the Cold War, as well as commentating on contemporary security issues, and was appointed Official Historian of the Falklands Campaign in 1997. Having been contacted by Blair's office, he submitted a contribution to the 1999 Chicago speech on humanitarian interventionism (see chapter 1).

Sir Martin Gilbert

A historian, Sir Martin Gilbert (1936-2015) dedicated a great deal of his research to Churchill, a topic on which he published a six-volume biography, twelve volumes of documents and studies on the Dardanelles campaign and on the two world wars. He also delivered classes on political and military history and international affairs at Oxford and abroad (Russia, Canada, India, the Ukraine, and the United States). Gilbert fell ill in April 2012, and passed away in February 2015.

Sir Roderic Lyne

Sir Roderic Lyne, born in 1948, worked as a Foreign Office diplomat from 1970 to 2004. Positions of note include ambassador to Russia (2000-2004) and permanent representative of the United Kingdom to the World Trade Organisation, the United Nations, and other international organisations in Geneva (1997-2000). He was Private Secretary to Prime Minister John Major, advising on foreign affairs, defence and Northern Ireland (1993-1996). He also served within the Foreign Office and, abroad, in the Soviet Union and in Senegal.

Baroness Usha Prashar of Runnymede

Baroness Prashar, born in 1948, is a crossbench member of the House of Lords, where she is a member of the European Union Select Committee. She has served as Deputy Chair of the British Council since September 2012. She has held positions on a number of administrative committees: Chairman of the Parole Board for England and Wales (1997-2000), Civil Service Commissioner (2000-2005), and Chairman of the Judicial Appointments Committee (2005-2010).

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